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AUTHOR	Heybach, Laurene M.; Nix-Hodes, Patricia; Price, Sarah
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ABSTRACT

These training materials provide advocates with the tools needed to help families obtain a stable and effective education for their children despite the condition of homelessness and the trauma that accompanies it. Nine sections include: (1) "Introduction"; (2) "How Mobility Hurts Homeless Children and Schools"; (3) "Laws and Rules Governing the Education of Homeless Children" (the Stewart B. McKinney Homeless Assistance Act, the Illinois Education for Homeless Children Act, policy of the State Board of Education, and the settlement agreement in Salazar v. Edwards); (4) "What the Laws and Rules Mean for Homeless Families in Chicago" (choice of schools, records, enrollment, the appeal process, transportation, and equality); (5) "A Word about Children or Youth with Special Education Needs" (children and youth currently attending school and children not currently attending school); (6) "Lesbian, Gay, Bisexual and Transgender Youth"; (7) "Other Important Issues" (Chicago public school liaisons, outreach, tutoring, food programs, preschool eligibility, fee waivers, notice, uniforms, and standardized tests and mandatory summer school); (8) "Practical Suggestions for Shelter Staff"; and (9) "Conclusion." Ten appendixes, which comprise the bulk of the document, present details on various legislative acts and educational guidelines and policies. Also included is a brochure entitled "Going to School: Your Rights, Your Choices." (SM)

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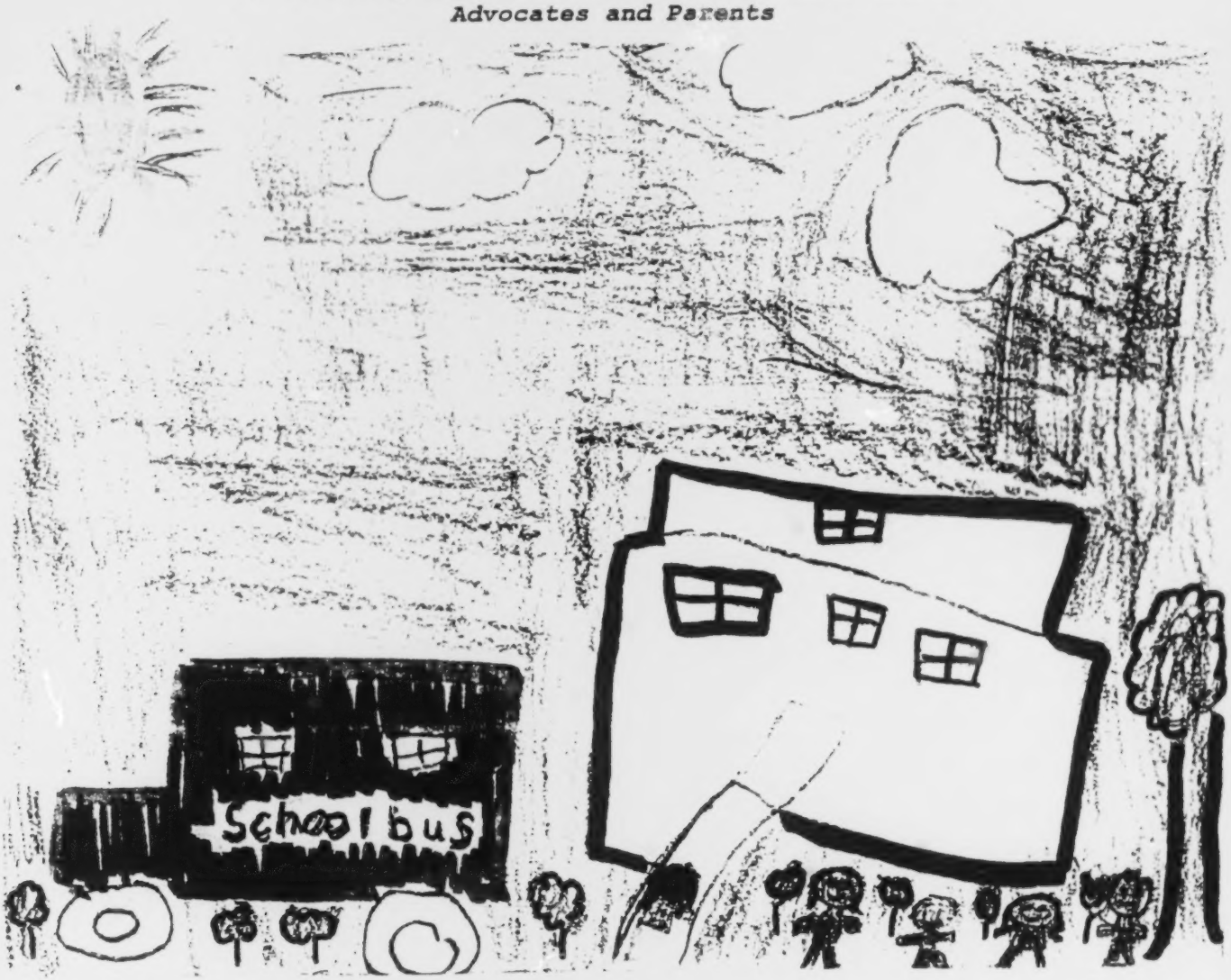
THE EDUCATION OF HOMELESS CHILDREN: RULES, RIGHTS AND PRACTICAL SOLUTIONS

A Training Manual for Shelter Providers, Staff, Advocates and Parents



Laurene M. Heybach
Patricia Nix-Hodes
Sarah Price

Attorneys of the Law Project of the
Chicago Coalition for the Homeless

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CHICAGO COALITION FOR THE HOMELESS

September 1, 2000

Homeless children deserve the same educational attention and opportunity as children who are housed. School is a place where a child should feel embraced, secure and included --not a visitor, not a "problem." It is our hope that this book encourages you and assists you in making the educational rights of homeless children a reality in our City and in assuring that they too, are embraced and included as they learn.

The Chicago Coalition for the Homeless dedicates this book to the many homeless parents who educated us about their struggle to gain for their children the educational opportunity they so richly deserve.

John Donahue
Executive Director

1325 S. Wabash Ave./Suite 205 • Chicago, Illinois 60605 • (312) 435-4548 • FAX: (312) 435-0198

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THE EDUCATION OF HOMELESS CHILDREN:
Rules, Rights and Practical Solutions

I. Introduction

Providing shelter to homeless families is a difficult job. Families are often homeless due to a recent trauma: domestic violence, gang pressure, eviction or a family crisis. Families come to shelters needing a wide array of basic services and usually, if not always, it is the task of the shelter staff to provide those services or related referrals. One of the most crucial needs of homeless families, however, is often given lesser priority – the need of the children to experience a stable and effective educational program.

The purpose of these training materials is to provide advocates with the tools needed to help families obtain a stable and effective education for their children *despite* the condition of homelessness and the trauma which accompanies it. As you will see, there are a few simple steps that can greatly aid the families you serve. The key is to know what you can do and to support families in getting what they need.

As a result of both the federal Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (Appendix 1) and the Illinois Education for Homeless Children Act, 105 ILCS § 45/1-1 et seq. (Appendix 2), schools throughout Illinois must provide a number of choices and services for homeless children which can reduce the number of school changes they undergo and enhance the value of the education they receive. In addition, more specific rules and policies apply to the Chicago Public Schools (CPS) as a result of Salazar v. Edwards, a class action lawsuit brought by homeless parents and their school-age children. Because the schools have an ongoing duty to identify and *address all* the barriers homeless children and youth face in *enrolling, attending* and *succeeding*

in school. (42 U.S.C. § 11432(g)(7)(A)(i) and (g)(8)), the school's obligations to homeless children are expansive. The specific legal mandates are merely the starting point for educational services to homeless children.

The materials contained in this manual set forth the applicable rules and policies and provide practical tips for helping homeless families improve their children's educational experience.[1]

II. How Mobility Hurts Homeless Children and Schools

Family mobility is one of the greatest factors affecting the academic success of homeless children and youth. The lack of affordable, permanent housing forces many families to frequently move and results in many children repeatedly changing schools. Frequent school changes have a devastating impact on a child's educational progress. In addition, when a significant number of students move in and out of schools in a community, schools suffer as well. This problem of "mobility" affects many poor families but particularly affects those living in shelters or doubled up with friends or relatives.

According to a study of mobility in the Chicago Public Schools conducted by the Chicago Panel on School Policy and the Center for School Improvement at the University of Chicago, only fifteen percent of Chicago's elementary schools have "stable" classrooms, where at least eighty-five percent of the students are the same from year to year. The mobility study noted that in thirty-seven percent of Chicago schools, one-quarter of the students who were in the school one April had left by the following April.

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[1] While many of the legal rights described in this manual apply throughout the State of Illinois and even nationally, some rules are unique to Chicago. The Appendices in this manual contain copies of materials of importance to advocates. Such materials are designated throughout the manual as Appendix 1-11). Other useful materials appear in the pockets of this manual.

In Chicago, approximately sixty percent of all school changes are the result of a change of residence with most of these children changing from one Chicago public school to another. The Chicago Public Schools estimate the number of homeless children in Chicago to be between 15,000 and 20,000. Thus, school changes due to homelessness are likely a great contributor to the mobility problem in Chicago.

Highly mobile children are hurt in many ways by repeated school changes. Lack of school continuity has been recognized as one of the greatest threats to a child's chances for school success. On average, it takes a child four to six months to recover academically from a change in schools. See Expert Panel Report (1991) submitted in B.H. v. McDonald, by Dr. Joy Rogers, Ph.D., Loyola University Department of Education, Chicago. It is not uncommon for homeless children to change schools two or more times in an academic year. Such school changes can destroy a child's academic progress.

Students who change schools frequently tend to do less well academically and have lower test scores. One study estimates that twenty percent of homeless children will repeat a grade, twice the number of non-homeless children. Standardized testing results are affected if a child is hungry, misses school days, changes schools during the period of test preparation, or misses test days because of changing living arrangements or interruptions in transportation service. Because the CPS uses standardizes test scores, the Iowa Test of Basic Skills or "ITBS," to determine whether to promote third, sixth, and eighth grade students[2], lower test scores for homeless youth in Chicago increases the likelihood that they will be required to repeat a year of school.

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[2] This policy of hinging promotion on a single test is known as "high stakes testing."

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Poor grades in the early years also affect academic achievement in the long-term. According to a study of the Chicago Panel on School Policy, seventy-two percent of students with low academic grades in the first, second or third grade will eventually drop out of school.

Children also suffer non-academic costs from frequent school changes. A stable school offers comfort and consistency. A new school means loss of friendships, new tasks, and adjustment to a different social network. Adjustment to a new school is even more difficult for a child dealing with a family housing crisis. Experiencing academic failure can also decrease a student's feeling of self-worth. One study found that half of all children and youth living in shelters have shown signs of anxiety and depression.[3] Moving between academic environments only exacerbates the problem.

School changes are often accompanied by missed school days while parents attempt to get records and transfers, adjust to a new routine or wait to enroll a child until they are sure where they will relocate. Missed school days hurt children's educational opportunities. The Chicago Panel on School Policy study found that sixty-six percent of students who missed twenty or more school days during first, second or third grade will drop out of school.

Homelessness can present unique problems for students who require special education services. Homeless children who are referred by teachers for educational assessments (termed "case study evaluations" or "CSE") to determine if the child needs special education services may change schools before the assessment is complete. Under federal law, this should not delay the CSE, but as a practical matter it often does. Even if

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[3] Bassuk, E., and Rosenberg, L., *Psychological Characteristics of Homeless Children and Children with Homes*, Pediatrics 1990.

the CSE is completed, services to help the child may be delayed as the new school adjusts to providing the services needed.

Frequent school changes also hurt schools in a community. Each time a new child enters a classroom, the teacher must integrate that child, provide additional attention, and make curriculum adjustments. Many educators believe that high mobility destroys the sense of community that is essential to learning and developing an orderly routine. Further, assessing school and student performance is more difficult in schools with a high mobility rate. While performance on standardized tests does not necessarily accurately reflect academic achievement, results of standardized tests are often used to evaluate schools. If many students have moved in or out of a school during a period of time, using standardized testing to measure school competence has little validity in measuring the real effectiveness of that school's curriculum or teaching methods.

III. Laws and Rules Governing the Education of Homeless Children

A. The Stewart B. McKinney Homeless Assistance Act

The Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (Appendix 1) requires that any state accepting federal money[4] under the Act must comply with specific federal requirements regarding the education of homeless children. These requirements include that public schools within the state: grant homeless families a choice to attend the same school despite relocation due to homelessness; provide services to enable homeless children to enroll without burdensome records requirements; provide services and remove barriers which exist to enable homeless children to enroll, attend and

[4] Illinois has accepted federal money every year since the enactment of the McKinney Act.

ucceed in education; provide a process for dispute resolution to homeless families; and, prohibit discrimination against homeless children.

The McKinney Act also defines who is considered "homeless." Under the Act, a homeless person "includes" a person who "lacks a fixed, regular and adequate nighttime residence," or one who has a primary nighttime residence which is a shelter "designed to provide temporary living accommodations," or one living in a temporary residence for persons "intended to be institutionalized," or a person living in "a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings." 42 U.S.C. § 11302(a).

The federal Department of Education has issued guidelines which further clarify the definition of homeless. See Department of Education, Preliminary Guidance for the Education of Homeless Children and Youth Program, (June 1995) (Appendix 3). These guidelines have been adopted by the Chicago Public Schools and the Illinois State Board of Education. See CPS Policy at 2 (Appendices 4 (English version) and 5(Spanish version)); Salazar Settlement at ¶ 3(e)(3) (Appendix 6). Those considered homeless include families living in shelters, families "doubled-up" because they cannot afford housing, families living in cars, parks or other places which are "not designed for, or ordinarily used as a regular sleeping accommodation for human beings," and foster children placed in emergency or transitional shelters awaiting placement in a foster home or home for neglected children or youth.

B. The Illinois Education for Homeless Children Act.

The Illinois Education for Homeless Children Act, 105 ILCS § 45/ 1-1 et seq. (Appendix 2) follows the requirements of the federal McKinney Act in many respects. In

addition, it specifically defines which school district is to pay for transportation for homeless children (105 ILCS 45/1-15), and what specific process is to be followed for the resolution of disputes regarding homeless children (105 ILCS 45/1-25). The Act also waives all records requirements for enrollment of homeless children in Illinois (105 ILCS 45/1-20) and further provides parents and children with the right to file a lawsuit to secure any of the educational rights identified in the Act. 105 ILCS 45/1-25.

C. Policy of the State Board on the Education of Homeless Children and Youth

The Illinois State Board of Education ("ISBE") has implemented a statewide policy which is intended to "minimiz[e] educational disruption for homeless children and youth." (Appendix 7) It recognizes the importance of reducing mobility for homeless children and explicitly notes that consistent school attendance *in the school of origin* is important to the success of all learners. Under the Illinois policy, *school districts throughout the state have the responsibility to reach out to, and work with, homeless families to allow homeless children to "continue to attend their school of origin without interruption, wherever possible."*

Other provisions of the ISBE policy require school districts to develop relationships and coordinate with agencies serving homeless families and to heighten awareness of the needs of homeless children as well as the responsibilities of school districts through professional development programs. Further, the Illinois policy directs school districts to provide early childhood programs, tutoring, supplemental instruction, and enriched educational services to homeless children to enable them to meet the same educational performance standards of non-homeless children.

D. The Settlement Agreement in Salazar v. Edwards

In 1992, homeless parents and their children residing within the City of Chicago filed a class action lawsuit to require the Chicago Public Schools to comply with federal and state law regarding educational rights and services for homeless children. This case is known as Salazar v. Edwards. In March of 1997, a settlement agreement was achieved in the Salazar case with the Chicago Public Schools and the members of the Illinois State Board of Education. Following litigation to enforce the 1997 settlement agreement, the parties entered a new settlement agreement in July of 2000 which specifically provides for compliance with state and federal law and which spells out in detail the procedures and rules applicable to the Chicago Public Schools (Appendix 6). Many of the most important aspects of the settlement are spelled out in the Chicago Public School's document entitled "Policy and Procedures on the Education of Homeless Children and Youth" (Appendices 4 and 5).

IV. What the Laws and Rules Mean for Homeless Families

It is not necessary to become an expert on the laws governing the education of homeless children in order to assist homeless families with school-related problems. Rather, a grasp of the following six most important points is all that is required. Together the first letters of each point spell the word **CREATE**. These points include:

Choice of Schools
Records
Enrollment
Appeal process
Transportation and
Equality.

Creating greater educational opportunity for homeless children and youth[5] is the focus on this manual. It is up to each of us to help *create* these opportunities for the children we encounter. Each of the six points discussed in detail below.

A. Choice of Schools

Each time a child is forced to change schools, he or she must undergo a period of adjustment to the new school, the new environment, new classmates and friends, new teachers and new expectations. Homeless children are by definition children experiencing a crisis. Requiring them to make additional social adjustments while in crisis presents challenges that most children find difficult even when there is no crisis. For many homeless children, this adjustment will be made only at great cost. Loss of academic progress and loss of self-esteem are common.

If, however, the child can be maintained in the school he or she is familiar with during this period of crisis, a sense of belonging and stability that a familiar school offers can be very helpful to the child in dealing with the crisis of homelessness itself. For this reason, homeless children are entitled to a choice of schools. By law, a homeless child may enroll in one of the following three schools: (1) the school last attended; (2) the school attended when the child was last permanently housed; or (3) the school that non-homeless children who live in the same attendance area in which the homeless child or youth lives are eligible to attend (even if the child lives apart from his parents or guardian)[6]. See 42 U.S.C. § 11432(g)(3) (Appendix 1); 105 ILCS 45/1-5, 1-10 (Appendix 2).

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[5] The word "child" as used in this text applies to both the younger children and to older youth.

[6] Non-homeless children or youth have more limited rights to continue in the same school if they move out of the school's attendance area. In Chicago, all elementary students who change residence can complete

Choices (1) and (2) are referred to as "schools of origin" or the "home school." Schools must honor the parent or guardian's[7] choice of schools and must assist in providing transportation for the child if necessary to enable the child to travel to and from the "school of origin." See Section E below.[8] A child may remain in the school of origin for as long as he or she is homeless, and if the child becomes permanently housed, he or she may finish the school year in the school of origin. See 42 U.S.C. § 11432(g)(3); 105 ILCS 45/1-10; CPS Policy at 4. *The school must continue to furnish transportation to allow the child to complete the school year.*

B. Records

Schools usually require that parents seeking to enroll a child in school provide records from the previous school, a transfer form and a record of immunization and/or a physical examination. Because it is often extremely difficult for homeless families to maintain these records, records requirements are often a serious obstacle to children entering school. Homeless children miss days and weeks of school for lack of appropriate records. In addition, many homeless families have no medical record of immunizations or lack even basic medical care including immunizations. While student records and medical records are important in assessing a child's educational level and ensuring a healthful environment, children need to be in school – records or not. For this

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the academic year at the same school without transferring. Chicago high school students who change residence do not have to transfer schools at all. In the rest of Illinois, state law allows all students to complete the school term in the school in which they were enrolled at the start of the school term. See 5 ILCS 5/10-20.12a.

[7] For purposes of the Homeless Education Program of CPS, a guardian is defined as a person who has legal or physical custody of a child. Salazar Settlement ¶ 3(d) ("Definitions") (Appendix 6). Guardianship papers are not necessary for a homeless child living apart from a parent to enroll.

[8] Choice number (3) is typically close enough for the child or the child and parent to walk.

reason, the law excuses homeless families from the duty to present such records as a condition of enrollment.

C. Enrollment

The Illinois Education for Homeless Children Act (Appendix 2) mandates that schools immediately enroll homeless children. It is the duty of the school to thereafter obtain any necessary records. It is unlawful for a school to require the family to produce records or to undergo a waiting period of any kind prior to enrollment. 105 ILCS 45/1-20. Even if a child lacks a required immunization or a physical examination, the school must first enroll the child and permit the child to attend but immediately refer the family to a free or low-cost clinic for an appointment. If the school disputes the child's right to enroll, it must still honor the parent's (or youth's) request and admit the child if the parent utilized the dispute resolution process set forth in the law. The child must be allowed to attend and, if applicable, receive transportation until the dispute resolution process (described below in Section D) is completed. 105 ILCS 45/1-25.

D. The Appeal Process

The Illinois Education for Homeless Children Act (Appendix 2) provides a prompt appeal process for parents and children to challenge the decisions of the school regarding the education of homeless children. 105 ILCS 45/1-25. If a disagreement arises on any aspect of the educational rights of a homeless child, the school district must inform parents of the availability of an ombudsperson in the school district who will provide resource information and help resolve the disagreement. The school district must also inform parents of the availability of free or low cost legal services or other advocates to aid parents and children in the process. The ombudsperson must convene a meeting of

"all parties" and attempt to resolve the dispute within five school days. The child shall be admitted and transported to the school chosen by the parents or guardians until the dispute is resolved.

Under the Salazar v. Edwards Settlement Agreement (Appendix 6 at ¶¶ 16 & 17) if a parent or child is unhappy with a decision by a CPS school involving a homeless child, or, if *any person* (a case manager, for example) believes that the rights of a homeless child have been violated, a written "grievance" may be made immediately. The school must offer assistance to the person in filling out the grievance form (termed a "dispute resolution form"). The school principal must then attempt to resolve the issue before the end of the next school day. If the principal cannot resolve the issue in a manner that satisfies the grieving party, the grievance is referred to the Regional Education Officer. If the REO or Senior Administrator in the Region cannot resolve it to the grieving party's satisfaction, the REO or Senior Administrator must convene a meeting and conclude efforts to resolve the problem within four days. A parent or child may bring a representative to such meeting.

When a grievance is made, it is the obligation of the school to notify the parent or child of the availability of the grievance process and to provide a list of free or low-cost legal assistance or advocacy services. The school must immediately enroll the child pending the dispute and, if the school is the child's "school of origin," the school must provide transportation (see Section E below) until the dispute is resolved.

E. Transportation

The Chicago Public Schools *must* ensure that transportation is provided to each

homeless child who chooses to attend his or her "school of origin" (i.e. one of the school choices numbered 1 or 2 in Section A above). Once the school learns a parent is homeless, it is the duty of the school to notify the parent and the child of the availability of transportation assistance and how to obtain it.[9]

Transportation *must* be made available both for school and for school-related activities. In Chicago, this is done in one of three ways: (1) the school will provide a free student rate fare card and free CTA passes/transfers for a homeless child if the child is in seventh grade or higher; (2) the school will provide a free student rate fare card and free CTA passes/transfers to a child and free passes/transfers to the parent to accompany the child if the child is in sixth grade or lower (including preschool)[10]; or, (3) if a "hardship" exists which makes it difficult for a parent or guardian to transport a child in preschool through sixth grade, alternative transportation (usually a school bus) will be arranged. See CPS Policy (Appendices 4 & 5); Salazar v. Edwards Settlement Agreement (Appendix 6). Both school bus service and CTA fare cards must be requested at the school. However, shelter staff should have regular contact with the school's homeless education liaison to alert the liaison to the need for transportation and to attempt to have assistance initiated prior to the parent's initial visit to the school. Lists of the names, schools and phone numbers of the liaisons can be obtained from the office of the CPS Homeless Education Program at (773)553-2242.

CTA fare cards must be available immediately. Bus service should be arranged "promptly" (which in most circumstances is within 48 hours). Because a school bus may

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[9] Note that the schools have the obligation to identify which families may be "homeless" within the meaning of the law. Many families are unwilling to term themselves "homeless" or to volunteer that information. Schools are to handle these matters sensitively, without embarrassing the parent or child.

take 48 hours to arrange, a shelter should request such assistance as soon as the child is placed there and parent should apply for it *immediately*.

Examples of "hardships" which warrant the use of a school bus rather than CTA include: (1) the parent is employed or in job training or an educational program and cannot accompany the child to school; (2) the parent is mentally or physically disabled and cannot transport the child due to the disability; (3) the parent has children in different school locations; (4) the shelter or facility will not permit the parent to leave to accompany the child to school; (5) the parent is required by court order or DCFS to attend a program or service during the time when transportation must occur; or (6) there is other "good cause" to find that a hardship exists. A "good cause" hardship, for example, might be that the parent has an infant or other small children that she cannot leave unattended. The Request for Hardship Transportation for Homeless Students form is contained in the pocket of this manual and can be copied and used by shelter staff.

In situations where a parent is normally able to transport the child but, due to illness or other hardship cannot do so for a brief period, the parent may furnish a letter permitting another specified person to accompany the child and receive free CTA fare cards for up to a two week period.

Schools may verify information regarding transportation services and a parent or child may appeal any decision regarding transportation with which they disagree. Transportation assistance under the CPS Homeless Education Program and under the Illinois Education for Homeless Children Act is only available for transportation back to

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[10] The parent or guardian is entitled to a total of four CTA passes to enable them to return to the shelter (or other living arrangement) after dropping off the child and to return to pick up the child at the end of the school day.

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a "school of origin," not for transportation to a neighborhood school. Transportation includes transportation for school-related activities.

Generally, school bus service provided by CPS ("hardship") for homeless children is limited to three separate living locations within a year. School bus transportation for more than three different locations is given only if it does not require creation of a new bus route but the child can be linked to an already existing route. Children who attend magnet schools or otherwise receive bus transportation to school (e.g. for desegregation or special education purposes) are, of course, entitled to continue that service.

When hardship transportation assistance is provided, a meeting may be held at the option of the school or the parent to evaluate whether the travel is in the best interest of the child. A parent may bring a representative to the "best interests" meeting. The meeting must include consideration of the academic and social benefits of attendance at the school of origin and the problems caused by lengthy travel. In determining the best interests of the child, however, *school officials must comply with the parent or guardian's choice of school.*

The transportation services discussed above apply in Chicago. Throughout the rest of Illinois, including Chicago's suburbs, the Illinois Education for Homeless Children Act applies. See 105 ILCS 45/1-15 (Appendix 2). Generally, parents should first make a good faith effort to arrange for transportation to and from the school of origin, either by transporting the children themselves or by authorizing relatives, friends, or programs for homeless persons to do so. If it is not possible for parents to arrange transportation and the child actually resides in the school district in which the school of

origin is located, transportation to the school of origin must be provided or arranged by the school district in which the school of origin is located. If the child resides in a different school district, both school districts must meet to apportion cost and responsibility for transporting the child to the school of origin. CPS is familiar with the requirement for cross-district cooperation and can initiate contact with the other school districts to assist a child living in Chicago or attempting to return to a Chicago school. If the school districts are unable to agree on transportation, the responsibility and costs should be shared equally. In providing transportation, a meeting may be held to consider the child's "best interests" as discussed above.

F. Equality

Schools are prohibited from discriminating against homeless children. This means that homeless children cannot be sent to special, separate classrooms or steered to a particular school or denied programs and services which other children receive. (42 U.S.C. §§ 11431(3) and 11432(g)(1)(H)(Appendix 1); CPS Policy at p.1 (Appendices 4&5)). Any parent or child who feels that he or she is being treated differently due to the status of being homeless may invoke the grievance process described in Section D above.

V. A Word About Homeless Children or Youth With Special Education Needs

A. Children and Youth Currently Attending School

Whenever a homeless child (or youth) fails to learn, struggles with learning, or appears to be behind other children in his or her age group, parents become concerned and rightfully so. Homeless children are at high risk for educational failure if their educational problems are not understood and they are not given needed services. Services are available, and because timely help is so crucial, it is important for parents and

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advocates to know what to do to bring needed resources to the child or youth. Here are some ideas:

First, every homeless child or youth is entitled to tutoring upon request of the parent. Salazar Settlement Agreement at ¶ 23 (Appendix 6). CPS has indicated that it wants every homeless child or youth to automatically receive such assistance. This service should be requested by the parent at the school and the school should arrange this service without delay. Tutoring can be very effective in helping children make up lost academic time.

Second, if the problem seems to need more than tutoring, the parent should have a discussion with the child or youth's teacher to get their input about what the child's problems are. (Indeed, a parent should introduce herself or himself to the teacher and speak regularly with him or her about the child throughout the school year). CPS will provide, upon request, the involvement of an Intervention Assistance Team at the school to determine what additional help the student may need. This team will convene a meeting with the parent and school staff to develop methods for improving the child or youth's learning. The IAT should be requested by the parent from the school.

Third, a parent can request that the school do an assessment to determine if the child is in need of what is termed "special education" services.[11] This assessment, called a "Case Study Evaluation" or CSE involves the gathering of information to allow a multidisciplinary team to evaluate whether a particular child needs specialized educational services and, if so, which services. The school must provide the services identified if the assessment reveals that the child is under a disability and needs such

[11] Learning disabled students are entitled to services as a matter of federal law, The Individuals with Disabilities Education Act ("IDEA."), 20 U.S.C. § 1400 et seq.

services to improve his or her learning. Some schools delay in considering the request for the CSE, so it is important to make such a request in writing, date it, and keep a copy. The school has 60 *school* days to complete this assessment and, if necessary, to begin implementing the child's Individualized Education Plan" or "IEP." The parent can, and should be, an active participant in the IEP process. *The fact that a child changes schools should not be allowed delay the process.*

The IEP is simply a *detailed* plan setting forth what specifically will be done, including what related support services will be provided by the school, to assist the child in his or her learning objectives.

A parent can request that the IEP include services that will help the child cope with some of the problems of homelessness. For example, it may provide that the child's school should not be changed, and that he or she should be provided with transportation services that might not otherwise be available, or counseling services should be provided that aid the child in making any school transitions. The IEP might also set forth the Iowa Test of Basic Skills score to be achieved by the disabled student in order to pass to the next grade, i.e. a lower score than non-disabled students are required to meet. If the parent disagrees with an IEP, or a change in the IEP, the parent can request a hearing.[12]

Fourth, youth aged 14 and older who are determined to be special education students must have a "transition plan" as part of their IEP. This is a plan that assists a student in gaining the skills necessary to move towards a career, vocation or college, employment and independent living. These services can be especially important for

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[12] The educational rights of students with learning impairments and disabilities are complex and beyond the scope of this manual. They are governed by the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. There are many publications which explain these rights in detail and legal services are available to advise or assist students and parents in seeking hearings or asserting other rights under the law.

homeless youth who may well have no other resource for assisting them in these tasks. The transition plan should provide for linkages to other community services to assist the youth. The plan must be revised every year.

Note that children attending preschool and pre-K are entitled to special education services just as older children are.

B. Children Not Currently Attending School

Schools have an obligation to locate and enroll all *homeless* children and youth. (42 U.S.C. § 11432(g)(8). "Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school" to enable them to receive all educational services for which they are eligible, including Head Start, preschool, Even Start, and any other appropriate service(s). (42 U.S.C. § 11432(g)(7)(A)(ii).

The obligation of schools to provide services to identify young children, *including homeless children,* who may have developmental delays or disabilities reaches to children as young as "0" (in the first year of life). For such children not currently attending a Chicago Public School, the first step ought to be simply enrolling the child if he or she is 3 years old or older. If there is not an available preschool program, the child can be registered as a non-attending student in order to obtain a CSE. Then the processes described above can be invoked.[13]

"Early intervention services" can also be obtained, *and should be obtained* for very young children who may be developmentally delayed or who have a condition which typically causes a developmental delay. If a child under age 3 appears to be

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For more information, please contact the Family Resource Center on Disabilities at (312)939-3513 or the Legal Assistance Foundation of Chicago, (312)341-1070.

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developmentally delayed in any way, the parent should be encouraged to call 1-800-323-GROW to seek an evaluation of the child. The parent will be given a local Child and Family Connection (CFCS) site to call. The CFCS registers and evaluates children, coordinates services, and informs families of their rights. The child must be given a *free* evaluation within 45 calendar days of the call. Within that same 45 day period, if a child is determined to be eligible, the CFCS must develop a written Individualized Family Service Plan that must include a list of the family's concerns, an assessment of the *child and family's needs*, where, when and how often services will be provided and a transition plan for what will occur when the child reaches age 3.

VI. Lesbian, Gay, Bisexual and Transgender Youth

Typically, we think of homelessness as the result of systemic problems such as lack of affordable housing, unemployment or underpaid employment, and a host of other social ills. However, there is another cause of youth homelessness which too often remains ignored or unnoticed, and that is the frequent social rejection of lesbian, gay, bisexual, and transgender (LGBT) youth. Their own families often will simply not accept the child's sexual orientation. More than forty percent of youth on the streets are gay or lesbian.[14] Nationwide, many youth who have "come out" to their families, or whose sexual orientation has been discovered unwillingly, have been forced to endure mistreatment, abuse, and isolation from their own families. Many LGBT youth are forced to double-up with friends or other relatives because they have no where else to go. Those without extended support networks hit the streets.

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[13] A CSE can be sought for a child 60 school days before his or her 3rd birthday.

[14] See the University of Illinois at Chicago's Gay Youth Development and Education Project website which states that 42% of homeless youth identify as gay or lesbian. This statistic is probably low because it

In addition to family isolation, a number of homeless LGBT *students* have additional concerns. Unfortunately, many LGBT youth lack the support they need from home *and* school. One study found that one in four high school counselors perceived that teachers displayed marked prejudice towards homosexual students.[15] In a survey of high school health teachers, twenty percent stated that students used abusive language when discussing homosexuality in class.[16] The pervasiveness of anti-gay bias in schools teaches LGBT youth that they are not welcome, creating a devastating impact on their social and academic well-being, causing them to repeatedly skip class or drop out altogether rather than endure abuse and/or isolation from their peers and school staff. In fact, nearly a third of surveyed youth who experience such harassment in school will drop out because of such pervasive harassment.[17]

As for all homeless youth, schools should be a safe, secure, welcoming place, regardless of what family turmoil or social stigma may be experienced by that child. As noted above, the McKinney Act specifically requires that schools provide outreach to locate and enroll homeless youth not in school; and that schools identify and address the barriers homeless youth experience in *enrolling, attending and succeeding in school*. It is, therefore, very important for schools to understand how to engage and assist homeless youth populations that have special barriers. Lesbian, gay and transgender youth are one such special population.

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excludes youth who refuse to identify publicly. It also excludes transgender and bisexual youth. <www.uic.edu/educ/gyde/facts.html>

[15] SIECUS Report citing S.K.Telljohann, et al (Jan. 1995), p.18; J.H. Price and S.K.Telljohann, "School Counselor's Perceptions of Adolescent Homosexuals," Journal of School Health, 61, no.10 (Dec. 1991), p.433.

[16] SIECUS Report, April/May 1998 Fact Sheet citing, S.K. Telljohann, et al, "Teaching about Sexual Orientation by Secondary Health Teachers," Journal of School Health, Volume 65, no.1 (Jan. 1995), p.18.

[17] Hetrick-Martin Institute (NYC), Factfile: Lesbian, Gay, and Bisexual Youth, citing Remafedi G, "Homosexuality: The Adolescent's Perspective," Pediatrics, 79: 326-330, 1987.

A key to assisting LGBT youth is the creation of safe environments and open, accepting attitudes that allow them to come forward and be re-engaged in school. Suggested approaches include displaying openly literature and gay pride symbols as part of the school environment, teaching tolerance to all students and using inclusive language, e.g. "partners" instead of "spouse," applying codes of behavior that protect all children from abusive language or denigration by their peers.

Because homeless LGBT youth have additional discrimination concerns in schools, it is important that people working with homeless youth understand stereotypes of LGBT students and their particular difficulties in school (and even in shelter settings) including harassment, abuse, and isolation. It is also critical to understand what local laws and policies exist to protect LGBT students.

The existing Chicago Public School's non-discrimination policy specifically prohibits discrimination based on one's sexual orientation. (Appendix 8) The policy applies to students, faculty, and anyone who works with the Board of Education. Violators of the policy could be expelled, dismissed (if faculty), or have their contracts terminated (if they work with the Board of Education as an outside contractor or vendor). Most importantly, schools have an obligation to protect youth against discrimination or harassment and can be held liable for failing to protect LGBT students in school.

The Cook County Human Rights Ordinance also protects persons from discrimination based on their sexual orientation. A complaint can be filed with the Cook County Human Rights Commission, (312)603-1100. The Commission will investigate and attempt to mediate a resolution.

The following steps should be taken in any environment where a LGBT youth may be suffering mistreatment: (1) Have a strong emotional support system in place for the youth: friends, family, teachers, counselors, and organized support groups. (2) Report the abuse, if it occurs in school, to the school *principal* directly, not just a teacher or a school counselor. Schools cannot be held liable if they are not aware of the abuse. Similarly, in a shelter setting, abuse should reported to the director. (3) Report all forms of abuse, not solely physical abuse. Documenting unequal treatment is also important – for example, if a shelter staff member treats harassment towards women seriously, but ignores identical harassment towards gay or lesbian youth. (4) If you are unsatisfied with the response to any claim of abuse, move up the chain of command. Contact the Superintendent of the school or the director of the shelter, and if necessary, seek legal assistance for the youth. The following organizations below are a few of the many agencies in the Chicago area that will provide emotional and technical support for LGBT youth:

- Horizons Community Services hotline1-773-929-HELP
  (6p.m. to 10 p.m.)

- Howard Brown Health Center
  1-773-388-1600 x3305/x8902

- Chicago Metro Area Gay Youth Coalition (C-MAGYC)
  1-312-409-2655

- PRISM Queer Youth Network (13-17 years old)
  SPECTRUM (18-25 years of age)
  1-708-FUN-FIND [Oak Park]

  Lambda Legal Defense and Education Fund
  1-312-663-4413

- PFLAG (Parents and Friends of Lesbians and Gays)
  1-312-472-3079

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For information, referrals, materials, and technical assistance regarding developing youth support systems in schools:

Child Welfare League of America
1-800-407-6273
(May order a copy of their pamphlet, "Serving Gay and Lesbian Youths: The Role of Child Welfare Agencies.")

VII. Other Important Issues Regarding Homeless Children and Youth

A. CPS Homeless Education Liaisons

Each Chicago Public School has a designated staff person whose job is to act as a "homeless education liaison." CPS schools are clustered into six Regions. Each Region also has a designated homeless education liaison whose task is to supervise staff in the Region's schools. It is the school-based liaison's responsibility to ensure that homeless children are in school; are in the proper school with necessary services (including transportation) and to otherwise communicate with the shelter staff and residents to remove practical barriers to education experienced by homeless children. It is the obligation of the Region homeless liaisons to ensure that the local schools are properly serving homeless children and youth. Complaints that shelter staff may have with particular schools ought to be addressed to the Region's liaison. A list appears in Appendix 9.

B. Outreach

The Chicago Public Schools have the *affirmative* duty to locate and enroll *each* homeless child within the City of Chicago. Both the school-based homeless education liaisons and the truancy office of CPS should be reaching out, in particular, to youth *not in school*. A primary focus of the McKinney Act is its concern that homeless youth not enrolled in school be located and re-engaged. See 42 U.S.C. § 11432(g)(3)(8) (Appendix

1) Homeless children and youth must be re-enrolled in school even if they exceeded the number of days of unexcused absences and were dropped from active enrollment in CPS.

C. Tutoring

Under the Salazar Settlement Agreement, (Appendix 6 at ¶ 23), every homeless child in Chicago is entitled to receive tutoring service. Tutoring is very important to help homeless children succeed in school, especially if they have changed schools. Tutoring should be routinely offered to homeless children by the Chicago Public Schools. However, shelter staff or other programs working with homeless families, should request tutoring from the school or have parents do so. Shelters can develop or use a standard form to request various services, including tutoring. If the school does not have an existing tutoring program, CPS will make a tutor available to any homeless child for no less than one hour per week.

D. Food Programs

Immediately upon enrollment, the schools must ensure that a homeless child has the opportunity to participate in *all* food programs available through the CPS including free breakfast and free lunch.

E. Preschool Eligibility

Homeless children are a priority for enrollment in preschool. According to the Chicago Public School policy on preschool eligibility (a copy of which is included in these materials at Appendix 10), if the preschool is full, a homeless child must be placed first on the waiting list. CPS has significantly expanded preschool services and shelter providers should notify parents of the availability of preschool services and work with

parents to ensure that homeless preschool age children are able to participate in the programs.

F. Fee Waivers

All impoverished students of Chicago Public Schools are entitled to ask for, and receive, a waiver of fees and costs which the family cannot afford to pay. (See Appendix 11 for the Waiver Policy and the form for requesting waivers). The same rules apply to homeless children. Typical examples of fees which can be waived include graduation fees, charges for textbooks, charges or deposits for locks, towels, uniforms, lab equipment; or charges for field trips made during school hours. In addition, CPS maintains a charitable fund, Children First, from which additional funds may be obtained to address needs of homeless children.

G. Notice

CPS must furnish a copy of the Notice of the Chicago Public Schools Policy on Education of Homeless Children and Youth to parents and children each year in August and February and at the time of enrollment. The Notice must also be posted in a prominent location within the school and made available at report card pick up. Notices are available in English, Spanish and Polish. In addition, the school must advise each homeless child upon enrollment or transfer that he or she has the right to select one of the schools identified in Section A, above and to receive transportation to attend the school of origin. (See Salazar Settlement (Appendix 6) at ¶ 13). CPS must also provide homeless parents notice of the dispute resolution process in August, February, and at the time of enrollment.

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Schools also have the duty to provide notice and necessary forms to homeless parents regarding transportation services as well as the dispute resolution (appeal) process.

H. Uniforms

Many Chicago Public Schools have uniform requirements. If a school requires uniforms (even if just a certain color pair of pants or shirt) or gym uniforms, the school should assist homeless families in obtaining uniforms for their children. Shelter staff should routinely request assistance with uniforms or encourage parents to do so. No homeless child should be disciplined or turned away because he or she lacks a uniform. The School Children's Aid Society ("SCAS) generously assists schools in providing uniforms to homeless children as well as a variety of coats, shoes and other much-needed clothing. The request to the SCAS must come in writing from the principal. *SCAS has never denied a request for clothing or uniforms for a homeless child or youth.* Margaret Paul of SCAS can be contacted at 773-247-1311.

I. Standardized Tests and Mandatory Summer School

In determining whether to promote a child to the next grade level, CPS has relied exclusively on a student's score in the third, sixth and eighth grades on the Iowa Test of Basic Skills. If a child in one of those grades does not pass the test, he or she is required to attend summer school in order to retake the test and attain a passing grade. Homeless children required to attend summer school *must* be permitted to attend summer school in the "school of origin" if the school of origin offers a summer school program. (105 ILCS 45/1-10) Transportation services must continue to be available for homeless students.

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CPS recently announced that it has softened its testing policy, though the policy is not yet in writing. CPS says that it now permits schools to consider factors other than performance on the Iowa test in granting waivers from the harsh promotion/retention policy. Holding children back a grade level has never been shown to improve school performance. It can be very harmful to a child academically and emotionally. As a result, advocates should always attempt to seek a waiver. Where the child's homelessness may have contributed to poor scores, that issue should be raised to argue that the test result is not consistent with the child's grade level competence.

VIII. Practical Suggestions for Shelter Staff

There are some very important things for shelter staff to do to help create greater educational opportunity for the homeless children who reside at your shelter.

First, read, post, and distribute the brochure enclosed in this training packet entitled "Going to School: Your Rights, Your Choices." It is an excellent summary of the rules and rights regarding the educational rights of homeless children. Please copy and distribute the brochure to homeless families and others as needed.

Second, become familiar with the CPS Policy and Notices regarding the education of homeless children. Share these materials with parents and children and other shelter providers. Arrange a meeting with the principals or liaisons of schools in your area to be sure that they are familiar with the CPS Policy. Ask the school to provide necessary forms and explain how parents can access preschool, kindergarten, magnet and other programs. Forms can be obtained and requests for services can be made by contacting the CPS Homeless Education Program at (773)553-2242. Support your parents in their efforts to get better service from the public school system.

Third, hold regular meetings with parents and youth to explain and discuss school policies and practices. It is important that parents and youth know their rights at the point they enter the shelter to minimize potential academic disruption to children. A member of the Chicago Coalition for the Homeless would be happy to come to your shelter to assist in such an effort. The Law Project of the Coalition for the Homeless is available to provide free legal assistance to any parent or child who is experiencing difficulty with a Chicago Public School. 1-800-940-1119. Each school must have school improvement plans in place. Be sure that the schools your clients are served by have plans that include improving the treatment of, and services to, homeless children and youth.

Fourth, when your shelter sees recurring problems with a local school (e.g. the school lunch program is not available to children from your shelter, or books are not given to homeless children, etc.), write a letter explaining concerns and making a specific request for changes. Because the schools have an ongoing duty to reduce the barriers homeless children face in enrolling, attending and succeeding in school, CPS needs to hear your views and those of the parents and children who attend the CPS. The letter should be addressed to Dr. Blondean Davis, Chicago Board of Education, 125 S. Clark, Chicago, Illinois 60603.

Fifth, take an interest in what local schools are doing to help the children in your shelter. Schools have a legal obligation under both the McKinney Act and the Illinois Education for Homeless Children Act to coordinate with agencies like yours in assisting homeless children. Let the homeless education liaisons and Region liaisons know how they can assist you. Perhaps a liaison could come to the shelter to enroll children prior to

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the start of school or provide fare cards to families at the shelter or process a request for hardship transportation before the child is actually able to enroll.

Sixth, utilize parents as a resource. The parents in your facility can –with your support and encouragement—become an important part of the local school and you can facilitate that process by forming a parent group at your shelter that can make suggestions to, and regularly meet with school staff.

Seventh, each school is required to have a Student Attendance Improvement Plan each school year. This Plan identifies all the services offered to assist children who are absent or truant. Shelter staff can obtain a copy of this Plan and can advocate with the school to provide helpful services to assist in improving the attendance of homeless children at the school.

Eighth, generate a form letter that parents can take to school that includes a clear statement of what the parent needs and wants from the school (tutoring, bus service, counseling services or a Case Study Evaluation). A sample letter is included with this manual and can be reproduced on shelter letterhead.

Ninth, take advantage of CPS' commitment to develop the premier homeless education program in the country. As a result of the July 2000 Settlement Agreement in Salazar v. Edwards, CPS is dedicated to improving its work on behalf of the city's homeless children and youth through joint efforts of CPS and the plaintiffs in the case. As part of the July 2000 Settlement, CPS has hired a new consultant, Leslie Jones, to ensure that homeless children receive the services to which they are entitled and to further improve the homeless education program. Feel free to contact Ms. Jones with concerns or suggestions at (312)578-8100.

IX. Conclusion

It is our collective task to help create greater educational opportunities for homeless children. It is our hope that the materials presented here will assist you in your efforts to increase those opportunities. Please feel free at anytime to call upon the Chicago Coalition for the Homeless Law Project to answer any questions or provide any information that will make your job easier. 312-435-4548 or 1-800-940-1119.

THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

1ST DOCUMENT of Level 1 printed in FULL format.

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*** THIS SECTION IS CURRENT THROUGH 105-28, APPROVED 7/18/97 ***
*** WITH A GAP OF 105-24 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 119. HOMELESS ASSISTANCE
GENERAL PROVISIONS

42 USCS § 11302 (1997)

§ 11302. General definition of homeless individual

(a) In general. For purposes of this Act, the term "homeless" or "homeless individual or homeless person" includes--

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is--

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) Income eligibility.

(1) In general. A homeless individual shall be eligible for assistance under any program provided by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) Exception. Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under the Job Training Partnership Act.

(c) Exclusion. For purposes of this Act, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

HISTORY: (July 22, 1987, P.L. 100-77, Title I, § 103, 101 Stat. 485; Nov. 28, 1990, P.L. 101-625, Title VIII, Subtitle C, Part 1, § 822, 104 Stat. 4355; Nov. 29, 1990, P.L. 101-645, Title VI, § 602, 104 Stat. 4734.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This Act", referred to in this section, is Act July 22, 1987, P.L. 100-77, 101 Stat. 482, and appears generally as *42 USCS §§ 11301* et seq. For full classification of such Act, consult USCS Tables volume.

Amendments:

1990. Act Nov. 28, 1990, in subsec. (a), in the introductory matter, inserted

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"or homeless person".

Act Nov. 29, 1990 substituted subsec. (b) for one which read: "A homeless individual shall be eligible for assistance under any program provided by this §Act, or by the amendments made by this Act, only if the individual complies with
the income eligibility requirements otherwise applicable to such program.".

NOTES:

CODE OF FEDERAL REGULATIONS

Office of Community Services, Administration for Children and Families, Department of Health and Human Services--Emergency community services homeless grant program, 45 CFR Part 1080.

CROSS REFERENCES

This section is referred to in *12 USCS §§ 1441a*, 1821; *26 USCS § 42*; *29 USCS §§ 1503*, 1703a; *42 USCS §§ 1486*, 11362, 11403c, 11481, 12899f.

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 119. HOMELESS ASSISTANCE
EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS
EDUCATION FOR HOMELESS CHILDREN AND YOUTH

42 USCS § 11431 (1997)

§ 11431. Statement of policy

It is the policy of the Congress that--

(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

§ 11432. Grants for state and local activities for the education of homeless children and youth

(a) General authority. The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

(b) Application. No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.
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(c) Allocation and reservations.

(1) In general. Subject to paragraph (2) and section 724(c) [*42 USCS § 11434(c)*], from the amounts appropriated for each fiscal year under section 726 [*42 USCS § 11435*], the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 [*42 USCS § 11435*] as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 [*20 USCS § 6332*] to the State for that year bears to the total amount allocated under section 1122 [*20 USCS § 6332*] to all States for that year, except that no State shall receive less than $ 100,000.

(2) Reservation.

(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 [*42 USCS § 11435*] to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle [*42 USCS §§ 11431* et seq.], as determined by the Secretary.

(B) (i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 [*42 USCS § 11435*] to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act [*25 USCS §§ 450* et seq.], that are consistent with the purposes of this Act.

(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part [subtitle] [*42 USCS §§ 11431* et seq.], for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

(3) Definition. As used in this subsection, the term "State" shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

(d) Activities. Grants under this section shall be used--

(1) to carry out the policies set forth in section 721 [*42 USCS § 11431*] in the State;

(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);
§
(4) to prepare and carry out the State plan described in subsection (g); and

(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

(e) State and local grants.

(1) In general.

(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle [*42 USCS §§ 11431* et seq.] exceeds the amount such agency received for fiscal year 1990 under this subtitle [*42 USCS §§ 11431* et seq.], such agency shall provide grants to local educational agencies for purposes of section 723 [*42 USCS § 11433*].

(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle [*42 USCS §§ 11431 et seq.*] for any fiscal year, or the amount such agency received under this subtitle [*42 USCS §§ 11431 et seq.*] for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

(2) Special rule. If the amount allotted to a State educational agency for any fiscal year under this subtitle [*42 USCS §§ 11431 et seq.*] is less than the amount such agency received for fiscal year 1990 under this subtitle [*42 USCS §§ 11431 et seq.*], such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 [*42 USCS § 11433*] or may conduct activities under subsection (f) directly or through grants or contracts.

(f) Functions of the Office of Coordinator. The Coordinator of Education of Homeless Children and Youth established in each State shall--

(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle [*42 USCS §§ 11431 et seq.*];

(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle [*42 USCS §§ 11431 et seq.*] in allowing homeless children and youth to enroll in, attend, and succeed in, school;

(3) develop and carry out the State plan described in subsection (g);

(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle [*42 USCS §§ 11431 et seq.*];
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(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

(g) State plan.

(1) In general. Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall--

(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

(D) describe procedures that ensure that--

(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

(F) address other problems with respect to the education of homeless children and youth, including problems caused by--

(i) transportation issues; and

(ii) enrollment delays that are caused by--

(I) immunization requirements;

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(II) residency requirements;

(III) lack of birth certificates, school records, or other documentation; or

(IV) guardianship issues;

(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

(2) Compliance. Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

(3) Local educational agency requirements.

(A) The local educational agency of each homeless child and youth to be assisted under this subtitle [*42 USCS §§ 11431* et seq.] shall, according to the child's or youth's best interest, either--

(i) continue the child's or youth's education in the school of origin--

(I) for the remainder of the academic year; or

(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

(C) For purposes of this paragraph, the term "school of origin" means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

(4) Comparable services. Each homeless child or youth to be assisted under this subtitle [*42 USCS §§ 11431* et seq.] shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including--
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(A) transportation services;

(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 [*20 USCS §§ 6301* et seq.] or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

(C) programs in vocational education;

(D) programs for gifted and talented students; and

(E) school meals programs.

(5) Records. Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained--

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 444 of the General Education Provisions Act [*20 USCS § 1232g*].

(6) Coordination. Each local educational agency serving homeless children and youth that receives assistance under this subtitle [*42 USCS §§ 11431* et seq.] shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act [*42 USCS §§ 5701* et seq.].

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(7) Liaison.

(A) Each local educational agency that receives assistance under this subtitle [*42 USCS §§ 11431 et seq.*] shall designate a homelessness liaison to ensure that--

(i) homeless children and youth enroll and succeed in the schools of that agency; and

(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

(8) Review and revisions. Each State educational agency and local educational agency that receives assistance under this subtitle [*42 USCS §§ 11431 et seq.*] shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with §paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

(9) Coordination. Where applicable, each State and local educational agency that receives assistance under this subtitle [*42 USCS §§ 11431 et seq.*] shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act [*42 USCS § 12705*] to minimize educational disruption for children who become homeless.

§ 11433. Local educational agency grants for the education of homeless children and youth

(a) General authority.

(1) In general. The State educational agency shall, in accordance with section 722(e) [*42 USCS § 11432(e)*] and from amounts made available to such §agency under section 726 [*42 USCS § 11435*], make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

(2) Services. Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where such services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, in the same setting or classroom. To the maximum extent practicable, such services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

(3) Requirement. Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(b) Application. A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include--

(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g) [*42 USCS § 11432*(g)(3)-(9)]; and

(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

(c) Awards.

(1) In general. The State educational agency shall, in accordance with section 722(g) [*42 USCS § 11432*(g)] and from amounts made available to such agency under section 726 [*42 USCS § 11435*], award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

(2) Need. In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the §ability of the agency to meet such needs. Such agency may also consider--

(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g) [*42 USCS § 11432*(g)];

(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

(D) such other criteria as the agency determines appropriate.

(3) Duration of grants. Grants awarded under this section shall be for terms not to exceed three years.

(d) Authorized activities. A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including--

(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 [*20 USCS §§ 6301* et seq.] or similar State or local programs, programs in vocational education, and school meals programs);

(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4) [*42 USCS § 11432*(g)(4)], not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3) [*42 USCS § 11432*(g)(3)];

(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;
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(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

(8) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act [*42 USCS §§ 5701* et seq.];

(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

(14) the provision of school supplies, including those supplies to be

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distributed at shelters or temporary housing facilities, or other appropriate locations; and

(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

§ 11434. Secretarial responsibilities

(a) Review of plans. In reviewing the State plans submitted by the State educational agencies under section 722(g) [*42 USCS § 11432*(g)], the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

(b) Technical assistance. The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle [*42 USCS §§ 11431* et seq.].

(c) Evaluation and dissemination. The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 [*42 USCS § 11435*] to conduct such activities.

(d) Submission and distribution. The Secretary shall require applications for grants under this subtitle [*42 USCS §§ 11431* et seq.] to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

(e) Determination by Secretary. The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1) [*42 USCS § 11431*(1)].

(f) Reports. The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle [*42 USCS §§ 11431* et seq.] by December 31, 1997, and every third year thereafter.

"(2)(A) The Secretary, in consultation with persons and organizations that are knowledgeable about the needs of homeless children and youth, shall, through the awarding of a grant, or through entering into a contract or cooperative agreement, conduct a study to determine the best means of identifying, locating, and counting homeless children and youth for the purposes of this subtitle. Such persons and organizations to be consulted shall include representatives of State coordinators, local educational agencies with substantial numbers of homeless children and youth, local government agencies with responsibility for administering homeless shelters, and advocacy groups representing the interests of homeless children and youth. The Secretary shall also consult with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, as appropriate, in carrying out this paragraph.

"(B) The study conducted under subparagraph (A) shall consider--

"(i) the appropriate definition of the terms 'homeless child' and 'homeless uth';

"(ii) the experience of the 1990 Census in identifying, locating, and counting homeless children and youth;

"(iii) appropriate methodologies for identifying, locating, and counting such children and youth, including using schools, shelters, and other social service agencies to collect data; and

"(iv) the projected accuracy of the methodologies identified in clause (iii), and the costs associated with the use of each methodology;

"to determine the number of homeless children and youth in the United States to create as accurate an account as possible of the number, location, and living circumstances of such children and youth, including the number of such children and youth that are attending school regularly, part-time, or not at all, and reasons for the nonattendance of such children and youth.

"(C)(i) Not later than 240 days after the date of enactment of this paragraph, the Secretary shall prepare and submit, to the appropriate committees of Congress, a report containing the results of the study conducted under subparagraph (A) and the estimated costs of making the estimates required under clause (ii).

"(ii) Not later than December 1, 1992, the Secretary, in consultation with the appropriate committees of Congress, and through the use of appropriate statistical methodology, shall, through a grant, contract or cooperative agreement, determine accurate estimates of the number of homeless children and youth throughout the Nation and the number of such children and youth attending school.

§ "(D) The Secretary may reserve not more than $ 250,000 from amounts appropriated under section 722(g) in 1991 to carry out the study required under subparagraph (A).

"(E) There are authorized to be appropriated such sums as may be necessary in 1992 to prepare the report and estimates required under subparagraph (C).

"(3) The Secretary shall provide such support and technical assistance to the State educational agencies as is required by such agencies to carry out their responsibilities under this subtitle, and

"(4) The Secretary shall prepare and submit a report to the Congress on the programs and activities authorized by this subtitle at the end of each fiscal year.

"(5) The Secretary shall compile and submit a report to the Congress containing the information received from the States pursuant to section 722(d)(3) within 45 days of its receipt.

"[(6)](5) The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students.

"[(7)](6) The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"[(8)](7) The Secretary, based on the information received from the States and information gathered by the Secretary under paragraph (1), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).".

§ 11434a. Definitions

For the purpose of this subtitle [*42 USCS §§ 11431 et seq.*], unless otherwise stated--

(1) the term "Secretary" means the Secretary of Education; and

(2) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

§HISTORY: (July 22, 1987, P.L. 100-77, Title VII, Subtitle B, § 725, as added Nov. 29, 1990, P.L. 101-645, Title VI, Subtitle A, § 613(2), 104 Stat. 4743; Oct. 20, 1994, P.L. 103-382, Title III, Part B, § 323, 108 Stat. 3965.)

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THE ILLINOIS EDUCATION FOR HOMELESS CHILDREN ACT

CHAPTER 105. SCHOOLS
COMMON SCHOOLS
EDUCATION FOR HOMELESS CHILDREN ACT
ARTICLE 1.

105 ILCS 45/1-1 (1997)

§ 105 ILCS 45/1-1. Short title

Sec. 1-1. Short title. This Act may be cited as the Education for Homeless Children Act.

HISTORY:
Source: P.A. 88-634, § 1-1.

§ 105 ILCS 45/1-5. Definitions

Sec. 1-5. Definitions. As used in this Act:

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled.

"Parent" means the parent or guardian having legal or physical custody of a child.

"Homeless person, child, or youth" includes, but is not limited to, any of the following:

(1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.

(2) An individual who has a primary nighttime place of abode that is:

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

HISTORY:
Source: P.A. 88-634, § 1-5; 88-686, § 7.

105 ILCS 45/1-10 (1997)

§ 105 ILCS 45/1-10. Choice of schools

Sec. 1-10. Choice of schools. (a) When a child loses permanent housing and becomes a homeless person within the meaning of Section 5 [105 ILCS 45/1-5], or when a homeless child changes his or her temporary living arrangements, the parents or guardians of the homeless child shall have the option of either:

(1) continuing the child's education in the school of origin for as long as the child remains homeless or, if the child becomes permanently housed, until the end of the academic year during which the housing is acquired; or

(2) enrolling the child in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

HISTORY:
Source: P.A. 88-634, § 1-10.

NOTES:
NOTE.
This section was enacted by P.A. 88-634 with no subsection (b) designated.

105 ILCS 45/1-15 (1997)

§ 105 ILCS 45/1-15. Transportation to school of origin

Sec. 1-15. Transportation to school of origin. Subject to the provisions of Article 29 of the School Code [105 ILCS 5/29.1 et seq.], if a child becomes a homeless child or if a homeless child changes his or her temporary living arrangements, and if the homeless child's parents or guardians decide to continue the child's education in the school of origin, the parents or guardians shall make a good faith effort to provide or arrange for transportation to and from the school of origin, including authorizing relatives, friends, or a program for homeless persons to provide the child with transportation to and from the school of origin. If transportation to and from the school of origin is not provided in that manner, it shall be provided in the following manner:

(1) if the homeless child continues to live in the school district in which the school of origin is located, the child's transportation to and from the school of origin shall be provided or arranged by the school district in which the school of origin is located consistent with the requirements of Article 29 of the School Code [105 ILCS 5/29.1 et seq.]; and

(2) if the homeless child's living arrangements in the school district of

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origin terminate and the child, though continuing his or her education in the school of origin, begins living in another school district, the school district of origin and the school district in which the homeless child is living shall meet to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the school districts are unable to agree, the responsibility and costs for transportation shall be shared equally.

If a parent or guardian chooses to have the child attend the school of origin, that parent or guardian, a teacher of the child, and the principal or his or her designee from the school of origin may meet at the option of the parent or the school to evaluate whether that travel is in the best interest of the child's development and education as compared to the development and education available in attending the school nearest the child's abode. The meeting shall also include consideration of the best interests of the homeless family at its current abode. A parent may bring a representative of his or her choice to the meeting. The meeting shall be convened if travel time is longer than one hour each way.

§ 105 ILCS 45/1-20. Enrollment

Sec. 1-20. Enrollment. If the parents or guardians of a homeless child or youth choose to enroll the child in a school other than the school of origin, that school immediately shall enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. Nothing in this subsection shall prohibit school districts from requiring parents or guardians of a homeless child to submit an address or such other contact information as the district may require from parents or guardians of nonhomeless children. It shall be the duty of the enrolling school to immediately contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth must obtain immunizations, it shall be the duty of the enrolling school to promptly refer the child or youth for those immunizations.

§ 105 ILCS 45/1-25. Ombudspersons; dispute resolution; civil actions

Sec. 1-25. Ombudspersons; dispute resolution; civil actions. (a) Each regional superintendent of schools shall act as an ombudsperson to provide resource information and resolve disputes relating to the rights of homeless children under this Act, except in Cook County, where each school district shall designate a person to serve as ombudsperson when a dispute arises. If a school denies a homeless child enrollment or transportation, it shall immediately refer the parent or guardian to the ombudsperson. The child shall be admitted and transported to the school chosen by the parents or guardians until final resolution of the dispute. The ombudsperson shall convene a meeting of all parties and attempt to resolve the dispute within 5 school days after receiving notice of the dispute.

(b) Any party to a dispute under this Act may file a civil action in a court of competent jurisdiction to seek appropriate relief. In any civil action, a party whose rights under this Act are found to have been violated shall be entitled to recover reasonable attorney's fees and costs.

(c) If a dispute arises, the school district shall inform parents and guardians of homeless children of the availability of the ombudsperson, sources of low cost or free legal assistance, and other advocacy services in the community.

§ 105 ILCS 45/1-30. Homeless Children Committee

Sec. 1-30. Homeless Children Committee. There is hereby created a Homeless Children Committee composed of 24 members, 18 of whom shall be appointed by the State Superintendent of Education after consultation with advocates for the homeless and private nonprofit organizations that advocate an end to homelessness, 2 of whom shall be members of the General Assembly appointed (one from each chamber) by the Governor, and 4 of whom shall be members of the General Assembly appointed one each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Of the 18 members appointed by the State Superintendent of Education as provided in this Section, 6 shall be homeless and formerly homeless parents or guardians, 6 shall be providers to and advocates for homeless persons, and 6 shall be school personnel from different geographic regions of the State. Members of the Committee shall serve at the pleasure of the appointing authority and a vacancy on the Committee shall be filled by the appropriate appointing authority. The Committee shall have the authority to review and modify the current and future State plans that are required under the federal Stewart B. McKinney Homeless Assistance Act [*42 U.S.C. § 11301* et seq.].

§ 105 ILCS 45/1-35. Application of Act

Sec. 1-35. Application of Act. The provisions of this Act apply to all school districts organized under the School Code [105 ILCS 5/1-1 et seq.], except that provisions that relate to transportation with respect to school districts organized under Article 34 of the School Code [105 ILCS 5/34-1 et seq.] shall be phased in during the 2-year period after the effective date of this Act. However, during that 2-year period, school districts organized under Article 34 [105 ILCS 5/34-1 et seq.] shall continue transportation programs serving homeless children.

§ 105 ILCS 45/1-40. Federal obligations unaffected

Sec. 1-40. Federal obligations unaffected. Nothing in this Act shall limit the obligations of school districts under the federal Stewart B. McKinney Homeless Assistance Act [*42 U.S.C. § 11301* et seq.].

§ 105 ILCS 45/1-45. Penalties

Sec. 1-45. Penalties. No person shall, under the provisions of this Act, enroll or attempt to enroll in a school other than the school of origin a child who he or she knows is not a homeless person as defined in this Act. No person shall knowingly or willfully present to any school district false information regarding the homelessness of any child or family for the purpose of enabling that child to attend a school other than the school of origin. Any person who violates this Section shall be guilty of a Class C misdemeanor.

Opening Doors

Statewide Access to Education for Homeless Children & Youth
c/o ALRC • 1855 Mt. Prospect Road • Des Plaines, IL 60018 • (847) 803-3535 • Fax (847) 803-3231

Department of Education "Preliminary Guidance" (June 1995)
Categories of Homeless Children

In determining whether a child or youth is homeless, the relative permanence of the living arrangements should be considered. States and LEAs must make determinations on a case-by-case basis. In general, children or youth living in welfare hotels, transitional housing shelters, the streets, cars, abandoned buildings, and other inadequate accommodations are considered homeless.

Children and Youth in Transitional or Emergency Shelters. If children or youth are placed in a transitional or emergency shelter because there is nowhere else to send them, and they are awaiting placement in a foster home or a home for neglected children, they should be considered homeless while in the emergency or transitional shelter. Once placed in a foster home or a home for neglected children or youth, they should no longer be considered homeless.

Children and Youth Living in Trailer Parks and Camping Grounds. Children and youth staying temporarily in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations should not be considered homeless.

Doubled-up Children and Youth. Children and youth who are living in "doubled-up" accommodations; that is, are sharing housing with other families or individuals, are considered homeless if they are doubled-up because of a loss of housing or other similar situation. Families living in doubled-up accommodations voluntarily to save money generally should not be considered homeless.

Foster Children and Youth. In general, children and youth in foster homes are not considered homeless. Many foster children are in the care of a public agency awaiting placement in more permanent situations. The foster home, although temporary, serves as a fixed, regular and adequate nighttime residence. Children placed in foster homes for lack of shelter space, however, should be considered homeless.

Incarcerated Children and Youth. Children and youth that are incarcerated for violation or alleged violation of a law should not be considered homeless even if prior to their incarceration they would have been considered homeless because they were living in inadequate accommodations. Children and youth that are under care of the State and are being held in an institution because they have no other place to live should be considered homeless. Once these children are placed in more permanent facilities, they are no longer considered homeless.

Migratory Children and Youth. Migratory children should not be considered homeless simply because they are children of migratory families. To the extent that migratory children are staying in accommodations not fit for habitation, they should be considered homeless.

Runaways. Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.

School-Age Unwed Mothers. In general, if school-age unwed mothers or expectant mothers are living in homes for unwed mothers, and they have no other available living accommodations, they should be considered homeless. However, if they are staying in such a home only temporarily to receive specific health care or other services, and intend to move to other adequate accommodations, they should not be considered homeless.

Sick or Abandoned Children and Youth. There are instances where children and youth remain in a hospital beyond the time that they would normally stay for health reasons because they have been abandoned by their families. These children and youth should be considered homeless because they have no other place to live. Children and youth that were homeless prior to hospitalization should be considered to be homeless while they are in the hospital, unless regular and adequate living accommodations will be made available to them upon release from the hospital.

Throwaways. Throwaway children or youth (i.e., those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters or in other transitional or inadequate accommodations.

The Opening Doors Project is funded through a grant from the Illinois State Board of Education, Community and Family Partnerships Division under the Stewart B. McKinney Education for the Homeless Children and Youth Program.

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POLICY AND PROCEDURES ON

EDUCATION OF HOMELESS CHILDREN AND YOUTH

SUBJECT: Policy on the Education of Homeless Children and Youth

ISSUES: The Board of Education of the City of Chicago (hereinafter Board) is committed to providing an educational environment in which all students are treated with respect and dignity. It shall be the policy of the Board to ensure that homeless children & youth are provided with equal access to its educational programs and to establish safeguards that protect homeless students from discrimination on the basis of their homelessness.

This policy is intended to affirm the Board's commitment to its Homeless Education Program and to implement guidelines for resolving issues affecting educating homeless children and youth in the District. Nothing in this policy is intended nor shall be construed to create a private right of action against the Board or any of its employees.

PRESENT POLICY: None

HISTORY OF BOARD ACTION: None

RECOMMENDATION: Policy on Education of Homeless Children and Youth

PURPOSE: This policy is intended to reiterate the significant provisions of the Illinois Education For Homeless Act as it applies to the Board of Education.

Every homeless child and youth shall have equal access to the same free, appropriate education and programs as is provided to other children and youth. No homeless child or youth shall be discriminated against, segregated from the mainstream school population, or isolated on the basis of his or her homelessness.

Individuals and Programs Covered

This policy applies to all Board employees and school personnel, and to all services, programs, and activities provided or made available by the Board, including but not limited to free lunch programs, before and after school programs, pre-kindergarten programs, school supplies and tutoring. If tutoring is not available at the school, a tutor will be furnished at the shelter upon request. For certain preschool programs, homeless children are given a priority and parents are encouraged to seek enrollment in these programs.

Notice

Semi-annually, in September and January, the Board will provide written notice to all students enrolled in the Chicago Public School(s) (CPS) and their parents information regarding the educational rights of homeless children and youth under this policy and under the law. Such notice will be kept on file at each school and will

be posted in a prominent location within the school. Each CPS will also make the notice available to parents at each school during report card pick up at the end of each semester. Any questions or issues regarding this policy should be directed to:

Chicago Public Schools
Office of School Leadership and Development
1819 West Pershing Road
Chicago, Illinois 60609
Attention: Louisea Storey, Coordinator
Homeless Education Program
Tel.(773) 535-7091 Fax (773) 535-8257

Definitions

**"Homeless person, child or youth" includes but is not limited to any of the following:

(1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.

(2) An individual who has a primary nighttime place of abode that is:

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations including welfare hotels, congregate shelters, and transitional housing;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

"The Board shall use the U.S. Department of Education's Preliminary Guidance for the Education of Homeless Children and Youth Program definitions of "homeless", which shall accompany dissemination of this policy.

**"School of Origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled.

**"Parent" means the parent or guardian having legal or physical custody of a child.

**"Ombudsperson" means the Deputy Education Officer for the Chicago Public Schools. The Ombudsperson shall provide resource information and resolve disputes relating to the rights of homeless children under this policy. The Ombudsperson may appoint each Regional Education Officer to act as his or her designee.

Hardship for purposes of this policy means that:

1. The parent is employed or enrolled in and attending a bona fide job training or educational program which precludes him or her from transporting his or her child(ren) to/from school;

OR

2. The parent is mentally or physically disabled and such disability precludes him or her from transporting his or her child(ren) to/from school;

OR

3. The parent is responsible for transporting his or her children to schools at different locations;

OR

4. The parent resides in a shelter or similar facility which will not permit the parent to leave to transport the child to/from school;

OR

5. The parent is required by court order, Department of Children and Family Services (DCFS) or a DCFS contract agency to engage in services which prohibits him or her from transporting the child to/from school.

OR

6. There is other good cause to find that a hardship exists which warrants the provision of alternative transportation;

AND

7. For each hardship defined in 1-6 above, the school is able to verify the information supporting such hardship. If the school is unable to verify the hardship, then the parent is required to execute an affidavit asserting the truth of the facts supporting the existence of hardship. Any parent determined to have provided false information for the purpose of securing alternative transportation under this policy may be denied such transportation.

Identification of Homeless Children and Youth

Each Chicago Public School that has a homeless shelter within its attendance boundary will identify a school employee to serve as the school's liaison to assist with identifying and enrolling homeless students in the school. The school's liaison will receive training from the Homeless Coordinator regarding the CPS Homeless Education Program, its policies and procedures. CPS is committed to increasing attendance of all students enrolled in schools within the district, homeless or otherwise. The CPS have in place a Student Attendance Improvement Plan which is designed to reduce absenteeism and truancy. Inasmuch as a student who is homeless has been identified as chronically absent or truant, each school must take appropriate action consistent with its Student Attendance Improvement Plan to serve the student.

Enrollment

1. No school shall deny enrollment to any child or youth because he or she is living in a shelter or lacks a permanent address or is homeless.

2. No school shall deny enrollment to or delay the enrollment or transfer of any homeless child or youth unable to produce school, medical, or residency records.

3. The Chicago Public Schools shall provide each homeless child and youth who enrolls in the district with the choice of enrolling in:

   (A) the school he or she attended when permanently housed;

or

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(B) the school in which he or she was last enrolled;

or

(C) any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

4. The child or youth shall be permitted to remain in the school selected in accordance with the choices identified above for as long as the child or youth remains homeless or if the child or youth becomes permanently housed, until the end of the academic year; or in any case in which the child or youth becomes homeless between academic years, the child or youth may remain in the school of choice as identified above for the following academic year.

5. When a homeless student or youth attempts to enroll in a school and notifies the school that he or she is homeless and that he or she does not have appropriate transfer or medical documentation, it shall be the responsibility of the receiving school to immediately enroll the child and to immediately make a reasonable effort to:

(a) verify that the student is homeless;

(b) contact the sending school for proper transfer documentation; and if necessary,

(c) immediately refer the student to a physician or clinic including free clinics, which can provided any necessary examination or immunizations in a timely manner.

6. In the event that a homeless child lacks immunizations(s), or documentation regarding immunization, the school shall immediately enroll the child, and shall refer him or her to a physician or clinic, including fee clinics, which can provide any necessary immunizations in a timely manner.

Transportation

1. The Board shall ensure that transportation will be provided to every homeless child or youth who chooses to attend his or her school of origin within the district. Transportation assistance will be provided for as long as the child or youth attends the school of origin and remains homeless, or if the child becomes permanently housed, until the end of the academic year during which the housing is required. If a child or youth begins living in another school district or if the child's school of origin is in another school district then transportation services shall be provided to the extent required by law.

2. If a child or youth becomes homeless and chooses to remain in his or her school of origin, each school upon learning of the student's homelessness, must notify the student and parent of the availability of transportation services, if such services are necessary for the homeless child or youth to continue attendance at the school of origin.

3. Each school will provide student rate tokens and the application fee for a student fare card if necessary, on the Chicago Transit Authority (CTA) to the child or youth and continue to provide such fare to enable the child or youth to go to and from school and school-related activities.

4. CPS will provide full rate tokens on the CTA to allow accompaniment by the parent or guardian of every child or youth who is enrolled in his or her school of origin and attending preschool, and kindergarten through sixth grade.

5. Tokens provided to a parent or guardian pursuant to this policy may only be used for the purpose of transporting the child to and from school. CPS may verify whether the fare provided to the parent or guardian is used for its intended purpose. Any parent or guardian who fails to accompany the child on a regular basis despite provision of these tokens shall be denied additional tokens unless such denial would preclude the child from attending the school of origin. Any parent or guardian denied tokens pursuant to this policy has a right to invoke the dispute resolution process described below.

6. (A) In hardship situations, CPS will provide an alternative system by which homeless students enrolled in preschool and in kindergarten through sixth grades are provided transportation services. Alternative transportation services will be provided to the child or youth where public transportation would create a hardship as defined in this policy.

(B) Upon receipt of affidavit or verification of a hardship, arrangements for alternative transportation services should be immediately initiated by the school and made directly to the Coordinator of the Homeless Education Program. Alternative transportation will be provided as soon a possible, but will take no longer than two weeks to implement. A parent may receive alternative transportation services due to hardship for no more than three locations in a school year.

(C) If a parent or guardian due to illness or hardship is temporarily unable to transport a child, the school shall accept a letter from the parent or guardian permitting a specified person to accompany the child and utilize the tokens otherwise provided to the parent or guardian for a two week period.

7. Each school providing tokens for public transportation services must complete the Homeless Student Information Form and the Homeless Transportation Forms to receive appropriate monies. Monies will be placed on the school's budget line for transportation services. All Forms must be submitted to the Coordinator of the Homeless Education Program. Failure to submit these forms does not relieve any school of the obligation to provide prompt transportation services in accordance with this policy.

8. Homeless students that receive transportation for any reason other than homelessness shall continue to be provided such transportation and, if eligible to begin receiving transportation for any reason other than homelessness (e.g. special education, attendance at a magnet school, overcrowding or the like) shall be provided such transportation.

Dispute Resolution Process (GRIEVANCE PROCEDURES)

Where a dispute arises regarding the enrollment or transportation of a student, the child shall be immediately enrolled or transported to the school chosen by the parent, if the parent claims the school is one of the three choices identified in Enrollment 1(A)-(C) above, until final resolution of the dispute.

1. Any individual alleging the abridgement of the educational rights of homeless children or youth by the CPS, or raising any issue of discrimination under this policy may initiate a grievance pursuant to the procedures described below. School personnel should assist the parent or youth in completing appropriate grievance forms.

   A. Initial grievance information should be recorded and received at the local school by the principal or the principal's designee, on a form provided by the Homeless Education Coordinator. The principal should attempt to resolve the issue(s) raised by the end of the next school day AND notify the Homeless Coordinator of the grievance and its resolution.

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B. If the principal is unable to resolve the grievance by the end of the next school day, it shall be immediately referred to the school's Regional Education Officer (REO) who will act as the Ombudsperson's designee.

C. The REO will review the grievance and if the dispute can not be resolved to the parents satisfaction the REO will convene a meeting of the parties and attempt to resolve the issue(s) raised within four school days.

D. Copies of all grievances filed and the resolution reached should be maintained in the school's office with a copy forwarded to the Homeless Coordinator.

E. The decision of the REO acting as the Ombudsperson's designee is the Board's final decision.

2. CPS staff may request assistance by calling the Coordinator of the Homeless Education Program.

3. If a dispute arises, CPS shall inform parents of homeless children of the availability of this grievance process, sources of low cost or free legal assistance, and other advocacy services in the community.

Training

On at least an annual basis, the Coordinator for the Homeless Education Program shall provide or cause to be provided at the Regional Meetings, in-services for all principals on the CPS Homeless Education Program. The training will cover the Policy, the Notice disseminated regarding the Policy, all procedures and forms promulgated pursuant to this Policy, and the laws applicable to the education of homeless children and youth. Principals are encouraged to allow the attendance of Assistant Principals or other staff responsible for the general enrollment of students at each school. Within 30 days of the scheduled in-service, each school shall certify to the Homeless Coordinator that its has received Homeless Education Training and has provided such training to its staff.

Coordination With Other Agencies

CPS will work cooperatively with The Department of Public Aid, The Department of Children and Family Services, The Department of Health and Human Services, The Department of Public Health, and other community organizations serving the needs of homeless students, to assist homeless students in receiving educational services provided by the CPS. Two times per year, CPS will conduct outreach meetings for community organizations and public and private agencies serving the homeless to disseminate CPS' policy and review its Homeless Education Program and other services provided to homeless students attending a CPS. Information disseminated at the meetings will be available upon request.

FINANCIAL IMPLICATION: The District receives a grant received from the State of Illinois under the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. Sec.11431 et seq. to fund its Homeless Education Program. The use of other funds may be necessary to meet unfunded state mandates with regard to the provision of transportation services.

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LEGAL REVIEW: This Policy was prepared by the Law Department with the assistance of the Office of School Leadership and Development and the Homeless Education Program. Applicable laws: The Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. Sec. 11431 et sec., and the Illinois Education for Homeless Children Act, 105 ILCS 45/1-1 et sec.

Approved for Consideration:

LYNN ST. JAMES
Chief Education Officer

Respectfully Submitted:

PAUL G. VALLAS
Chief Executive Officer

Noted:

KENNETH C. GOTSCH
Chief Fiscal Officer

Approved as to legal form:

MARILYN F. JOHNSON
Attorney

POLICY AND PROCEDURES ON EDUCATION OF HOMELESS CHILDREN AND YOUTH (SPANISH)

NORMAS Y PROCEDIMIENTOS

SOBRE LA EDUCACIÓN DE NIÑOS Y JÓVENES SIN HOGAR

MATERIA: Normas o Reglas sobre la Educación de Niños y Jóvenes Sin Hogar

ASUNTOS: La Junta de Síndicos de la Reforma Escolar de la ciudad de Chicago (de aquí en adelante "la Junta"), está comprometida a proveer un ambiente educativo en el que los estudiantes sean tratados con respeto y dignidad. La Norma o Regla principal de la Junta será asegurar que se ofrezca acceso igual a sus programas educativos a los estudiantes sin hogar y que se establezcan procedimientos que les protejan contra la discriminación por el hecho de no tener hogar.

Estas normas tienen como fin afirmar el compromiso de la Junta para con su Programa de Educación de Niños y Jóvenes Sin Hogar y de poner en práctica o implementar reglamentos para resolver asuntos que afecten la educación de niños y jóvenes sin hogar en el Distrito. Nada en estas normas está intencionado ni será interpretado para crear un derecho privado de acción contra la Junta o alguno de sus empleados.

NORMAS ACTUALES: Ninguna

HISTORIA DE LAS ACCIONES DE LA JUNTA: Ninguna

RECOMENDACIÓN: Normas o Reglas sobre la Educación de Niños y Jóvenes Sin Hogar

PROPÓSITO: Estas normas tienen como fin el reiterar las provisiones significativas de la Educación de Ilinois para el Acta de todos los Niños Sin Hogar, según se aplica a la Junta de Síndicos.

INDIVIDUOS Y PROGRAMAS CUBIERTOS Estas normas se aplican a todos los empleados de la Junta y personal escolar y a todos los servicios, programas y actividades ofrecidos o hechos disponibles por la Junta, incluyendo, pero no limitándose a programas de almuerzo gratuito, programas de antes o después de clases, pre-kindergarten, útiles escolares y tutoría. Si la escuela no ofrece tutoría, se conseguirá un tutor en el refugio, a petición. Los niños sin hogar son prioridad para ciertos programas pre-escolares y se exhorta o estimula a los padres a que consigan matrícula en estos programas.

AVISO Semi-anualmente, en septiembre y enero, la Junta proveerá avisos por escrito a todos los estudiantes matriculados en las CPS y a sus padres, sobre información relacionada con los derechos educativos de niños y jóvenes sin hogar, bajo estas normas y bajo la ley. Tales avisos se mantendrán en los archivos de cada escuela y serán exhibidos en un lugar prominente dentro de la escuela. Cada escuela pública de Chicago también hará el aviso disponible a los padres durante la entrega de calificaciones al final de cada semestre. Cualquier pregunta o asunto relacionado con estas normas debe ser dirigida a las:

Chicago Public Schools
(Escuelas Públicas de Chicago)
Office of School Leadership and Development
(Oficina de Liderazgo y Desarrollo Escolar)
1819 W. Pershing Road
Chicago, Illinois 60609
Attention: Ms. Louisea Storey,
Coordinator, Homeless Education Program
(Coordinadora del Programa de Educación de los Niños y Jóvenes Sin Hogar)
Tel. No.: (773) 535-7091 Fax No.: (773) 535-8257

Definiciones

***"Persona sin hogar, niño o joven"** incluye, pero no se limita a ninguno de los siguientes:

(1) Un individuo que carece de un lugar adecuado, fijo o regular donde pasar la noche.

(2) Un individuo que tiene un lugar primario donde pasar la noche, que es:

(A) un refugio supervisado públicamente u operado privadamente, designado para proveer alojamiento temporero, incluyendo hoteles de bienestar social, refugios congregados y alojamiento transitorio;

(B) una institución que provee residencia temporal a individuos que van a ser internados en instituciones; o

(C) un lugar público o privado no designado para, u ordinariamente usado como, alojamiento regular para dormir, por seres humanos.

*La Junta usará la Guía Preliminar del Departamento de Educación de los Estados Unidos para las definiciones de "sin hogar", del Programa de Educación de Niños y Jóvenes Sin Hogar, la cual deberá acompañar la diseminación de estas normas o reglas.

"Escuela de Origen" significa la escuela a la que el/la niño/a asistía cuando tenía alojamiento permanente o la última escuela en la que estuvo matriculado.

"Padre, Encargado o Tutor" significa el padre, encargado, tutor o persona que tiene la custodia legal o física del niño.

"Mediador" significa el Diputado Oficial de Educación para las Escuelas Públicas de Chicago. El mediador proveerá fuentes de información y solucionará disputas relacionadas con los derechos de los niños sin hogar, bajo estas normas. El Mediador puede designar a cada Oficial Educativo Regional ("REO" por sus siglas en inglés) para que actúe como su designado.

"Dificultad," para propósitos de estas normas significa que:

1. El padre está empleado o matriculado y asistiendo a un entrenamiento de buena fe o a un programa educativo que le impide transportar a su(s) niño(s) a/de la escuela;

O

2. Los padres están incapacitados física o mentalmente y dicha incapacidad les impide transportar a su(s) niño(s) a/de la escuela;

O

3. El padre es responsable de llevar a su(s) niños a diferentes localidades;

O

4. El padre reside en un refugio o facilidad semejante donde no se le permite salir a transportar a su niño a/de la escuela;

O

5. Por orden judicial, el Departamento de Servicios a Niños y Familias ("DCFS") o una de sus agencias bajo contrato requieren que el padre participe en servicios que le prohiben transportar al/a la estudiante a/de la escuela;

O

6. Existe otra buena causa para probar que hay dificultades que justifican el que se le provea transportación alterna;

Y

7. Para cada una de las dificultades descritas del 1-6 arriba, la escuela puede verificar la información en apoyo a la misma. Si la escuela no puede verificar el problema, entonces se requiere que el padre haga una declaración jurada asegurando la verdad de los hechos que apoyan la existencia de la dificultad. Si se determina que un padre ha proporcionado información falsa con el propósito de obtener transportación alterna, se le puede negar tal tranportación, bajo estas normas.

Identificación de Niños y Jóvenes Sin Hogar

Cada una de las Escuelas Públicas de Chicago que tenga un refugio para personas sin hogar dentro de su área de asistencia indentificará a uno de sus empleados para que actúe como enlace para ayudar a identificar y matricular a estudiantes sin hogar. Dicho enlace recibirá entrenamiento del/de la Coordinador/a del Programa de Niños y Jóvenes Sin Hogar, concerniente al Programa de Educación de Niños Sin Hogar de las CPS, sus normas, reglas y procedimientos. Las CPS están comprometidas a aumentar la asistencia de todo estudiante, con o sin hogar, matriculado/a en las escuelas del Distrito. Las CPS tienen en vigor un Plan de Mejoramiento de Asistencia Estudiantil diseñado para reducir el ausentismo y la ociosidad. En cuanto un estudiante sin hogar ha sido identificado como ausente crónico u ocioso, cada escuela debe tomar acción apropiada, consistente con su Plan de Mejoramiento de Asistencia Estudiantil, para ayudar al estudiante.

Matrícula

1. Ninguna escuela puede negar matrícula a un estudiante debido a que éste esté viviendo en un refugio, carezca de residencia permanente o no tenga hogar.

2. Ninguna escuela puede negar o retrasar la matrícula o cambio de un estudiante, niño o joven sin hogar que no pueda presentar documentos escolares, médicos o de residencia.

3. Las Escuelas Públicas de Chicago le permitirán a cada niño o joven sin hogar, matriculado en el Distrito, el escoger matricularse en:

   (A) la escuela a la que asistía cuando tenía residencia permanente;

o

(B) la última escuela en la que estuvo matriculado;

o

(C) en cualquier escuela a la que asisten los estudiantes con hogar que viven en el área de asistencia en la que el niño o joven reside en la actualidad.

4. El niño o joven podrá permanecer en la escuela escogida, según las opciones identificadas arriba, durante el tiempo que esté sin hogar o, si encuentra alojamiento permanente, hasta el fin del año académico.

5. Cuando un estudiante o joven sin hogar intenta matricularse en una escuela y le notifica que no tiene hogar y que no tiene un documento de transferencia apropiado ni documentos médicos, será responsabilidad de la escuela recipiente matricular al estudiante inmediatamente y hacer un esfuerzo razonable para:

(a) verificar si el estudiante no tiene hogar;

(b) llamar a la escuela remitente para pedir la documentación apropiada de cambio y, si es necesario,

(c) referir inmediatamente al estudiante a un médico o clínica, incluyendo clínicas gratuitas que pueden proporcionar a tiempo cualquier examen o inmunización necesarios.

6. En caso de que el niño sin hogar carezca de vacunas o documentación referente a las mismas, la escuela deberá matricular al niño inmediatamente y referirlo a un médico o clínica, incluyendo clínicas gratuitas que pueden proporcionar cualquier examen o inmunización necesarios a tiempo.

Transportación

1. La Junta asegurará que se proporcione transportación a cada niño o joven sin hogar que escoja asistir a su escuela de origen dentro del Distrito. La ayuda de transportación se proveerá durante el tiempo que el niño o joven asista a la escuela de origen y permanezca sin hogar o, si el niño obtiene alojamiento permanente, hasta el fin del año académico durante el cual el alojamiento es requerido. Si un niño o joven comienza a residir en otro distrito escolar o si la escuela de origen del niño está en otro distrito escolar entonces se le proporcionará transportación por el tiempo requerido por la ley.

2. Si el niño o joven se queda sin hogar y escoge permanecer en su escuela de origen, cada escuela, al saber de la carencia de hogar del estudiante, debe notificar al estudiante y al padre sobre la opción de servicios de transportación, si éstos fueran necesarios para que el niño o joven sin hogar continúe asistiendo a la escuela de origen.

3. Cada escuela dará al estudiante fichas de transporte y el pago inicial de una tarjeta de pasaje para estudiantes de la Autoridad de Tránsito de Chicago ("CTA") si es necesario, para el niño o joven y continuará proporcionando tales fichas para que el niño o joven viaje a/de la escuela y a actividades relacionadas con la escuela.

4. Las CPS proporcionarán fichas de tarifa completa para los vehículos de la CTA para permitir que el padre, encargado o tutor acompañe a cada niño o joven matriculado en su escuela de origen y que asiste a un programa pre-escolar o de Kindergarten y hasta el sexto grado.

5. Las fichas donadas a un padre, encargado o tutor en conformidad con esta norma o regla, pueden usarse sólo con el fin de transportar al/a la estudiante a/de la escuela. Las CPS pueden verificar si la tarifa es usada por el padre, encargado o tutor para el supuesto propósito. Se pueden negar las fichas adicionales a cualquier padre, encargado o tutor que deje de acompañar a su niño/a con regularidad a pesar de recibir

estas fichas, a menos que tal negación impida al niño asistir a su escuela de origen. Cualquier padre, encargado o tutor a quien se le han negado las fichas conforme a esta póliza, tiene derecho de acogerse al proceso de resolución de disputas descrito a continuación.

6. (A) En situaciones donde haya dificultades, las CPS proveerán servicios alternos de transportación a estudiantes sin hogar matriculados en la enseñanza pre-escolar y el Jardín Infantil ("Kindergarten") hasta el sexto grado. Los servicios alternos de transportación se proveerán al niño o joven cuando la transportación pública ocasione dificultades, según se define en estas normas o reglas.

(B) Al recibir la declaración jurada o la verificación de un problema, la escuela deberá hacer arreglos inmediatos para transportación alterna directamente con el Coordinador del Programa de Educación de Niños y Jóvenes Sin Hogar. Se proveerá transportacion alterna tan pronto como sea posible pero no tomará más de dos semanas el hacerla posible. Un estudiante puede recibir servicios de transporte alterno debido a dificultades, para no más de tres localidades en un año escolar.

(C) Si un padre, encargado o tutor no puede transportar a un niño debido a enfermedad o problema temporero, la escuela aceptará una carta del mismo, permitiendo a una persona determinada acompañar al niño/a y utilizar las fichas proporcionadas al padre, encargado o tutor, por un periodo de dos semanas.

7. Casa escuela que proporciona fichas para servicios de transportación pública debe llenar el Formulario de Información del Estudiante Sin Hogar y los Formularios de Transportación de Estudiantes Sin Hogar, para recibir los fondos apropiados. El dinero será puesto en la línea de presupuesto para servicios de transportación de la escuela. Todos los formularios deben ser sometidos al Coordinador del Programa de Educación para Niños y Jóvenes Sin Hogar. El no someter estas formas no libera a la escuela de su obligación de proveer rápidamente servicios de transporte, de acuerdo con estas normas o reglas.

8. Los estudiantes sin hogar que reciban transportación por otra razón que no sea el no tener hogar continuarán recibiéndola y, si son elegibles para recibirla por otra razón que no sea el no tener hogar (e.g. educación especial, asistencia a una escuela modelo, sobrepoblación o algo semejante), la recibirán también.

Procedimientos Para La Resolución de Disputas

Cuando surja una disputa concerniente a la matrícula o a la transportación de un estudiante, éste será matriculado inmediatamente y transportado a la escuela escogida por el padre, si es que éste reclama que cae bajo una de las tres opciones identificadas en la sección de "Matrícula 1(A)-(C)" arriba, hasta la resolución final de la disputa.

1. Cualquier individuo que declare limitaciones de parte de las CPS a los derechos educativos de los niños o jóvenes sin hogar o presente cualquier caso de discriminación, puede iniciar, bajo estas normas, una queja, en conformidad con los procedimientos descritos a continuación. El personal escolar ayudará al padre o al joven a completar los formularios de queja apropiados.

   A. La información inicial de la queja deberá ser documentada y recibida en la escuela local por el director o su designado, en un formulario proporcionado por el/la Coordinador/a del Programa de Educación de Niños y Jóvenes Sin Hogar. El director debe intentar resolver el/los asunto/s presentado/s antes del final del siguiente día de escuela Y notificar al Coordinador de la queja y su resolución.

   B. Si el director no puede resolver la queja antes del final del siguiente día, inmediatamente la referirá al Oficial Educativo Regional ("REO") de la escuela, quien actuará como designado del Mediador.

C. El Oficial Educativo Regional revisará la queja y si la disputa no puede ser resuelta a satisfacción de los padres, aquél concertará una reunión de las partes e intentará resolver el/los asunto/s dentro de cuatro días.

D. Copias de todas las quejas presentadas y las determinaciones tomadas deberán mantenerse en la oficina de la escuela y enviar una copia al Coordinador de Estudiantes Sin Hogar.

E. La decisión del Oficial Educativo Regional que actúa como designado del Mediador es la decisión final de la Junta.

2. El personal de las CPS puede pedir ayuda llamando al/a la Coordinador/a del Programa de Educación de Niños y Jóvenes Sin Hogar.

3. Si surge una disputa, las CPS informarán a los padres de los niños sin hogar sobre la disponibilidad de recursos de bajo costo o ayuda legal gratuita para el proceso de esta queja y de otros servicios de mediación dentro de la comunidad.

Entrenamiento

Por lo menos una vez al año el Coordinador del Progama de Educación de Niños y Jóvenes Sin Hogar, dará o hará que se dé, en las Reuniones Regionales, adiestramiento a todos los directores de las CPS, sobre el Programa de Educación de Niños y Jóvenes Sin Hogar. El adiestramiento cubrirá las Normas, el Aviso diseminado relacionado a las Normas y las leyes aplicables a la educación de niños y jóvenes sin hogar. Se sugiere a los directores que permitan la participación de Ayudantes de Directores u otro personal responsable de la matrícula en general de estudiantes en cada escuela. Dentro de 30 días a partir del adiestramiento, cada escuela certificará al/a la Coordinador/a de Niños y Jóvenes Sin Hogar, que ha recibido Adiestramiento sobre la Educación de Niños y Jóvenes Sin Hogar y que ha provisto tal adiestramiento a su personal escolar.

Coordinación

Las CPS trabajarán cooperativamente con el Departamento de Ayuda Pública, El Departamento de Niños y Servicios a la Familia, El Departamento de Salud y Servicios Humanos, El Departamento de Salud Pública y otras organizaciones de la comunidad que sirven las necesidades de los estudiantes sin hogar, para ayudarles a que reciban los servicios educativos provistos por las CPS. Dos veces al año, las CPS llevarán a cabo reuniones para organizaciones de la comunidad y agencias públicas y privadas que sirven a los niños y jóvenes sin hogar, a diseminar las normas de las CPS y a revisar su Programa de Educación de Niños y Jóvenes Sin Hogar que asisten a las CPS, así como otros servicios que se les proporcionan. La información diseminada en las reuniones estará disponible, a petición.

BEST COPY AVAILABLE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

Veronica SALAZAR, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 92 CH 5703
	)	
John EDWARDS, et al.,	)	
	)	Judge Nowicki
Defendants.	)	

SETTLEMENT AGREEMENT AND STIPULATION TO DISMISS

Plaintiffs individual homeless children and their parents, defendant Chicago Board of Education and its Chief Executive Officer, and defendant Illinois State Board of Education, hereby stipulate and agree to the following:

INTRODUCTION

On November 21, 1996, the parties entered into a Settlement Agreement (the "1996 Agreement") which was approved by the Court on January 23, 1997. In March 1999, plaintiffs brought a motion to enforce the 1996 Agreement, an evidentiary hearing was held, and the Court entered an injunctive order on August 3, 1999, amended on August 5, 1999, granting plaintiffs relief. A later order granted attorney fees and costs to plaintiffs.

The Chicago Board of Education appealed and plaintiffs cross-appealed. As part of the current resolution of this matter, the parties agree to dismiss the pending appeal and cross-appeal in the Illinois Appellate Court. Contemporaneously with seeking approval of this Agreement, the parties move jointly to dissolve the injunction and to dismiss the underlying action subject to the enforcement provisions presented in this Agreement.

1. Plaintiffs filed this lawsuit to challenge alleged policies and practices of the Chicago Public Schools (CPS) which purportedly denied homeless children and youth their right to a free appropriate public education in the City of Chicago, their right to enroll in school, their right to continue education in the "school of origin" and to have transportation to do so, their right to be free of discrimination based on their status as homeless, and their right to access all public school services and programs.

2. Plaintiffs claimed that CPS' alleged policies and practices violated the Illinois Education for Homeless Children Act, 105 ILCS 45/1-1 *et seq.*; the Illinois School Code, 105 ILCS

5/1-1 *et seq.*; Subchapter VII-B of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. §§11431 *et seq.*; Article X, Section 1 and Article I, Section 2 of the Illinois Constitution; and the due process clause of the Fourteenth Amendment to the United States Constitution.

c. As a result of the joint efforts of CPS and plaintiffs, CPS is endeavoring to develop the premier homeless education program in the country. Through the continued joint efforts of CPS and plaintiffs, CPS is dedicated to further improving its work on behalf of the city's homeless children and youth.

DEFINITIONS

d. As used herein, the following terms have the following meanings:

a. "Chicago Public Schools" or "CPS" means the Chicago Board of Education and Paul Vallas, its Chief Executive Officer.

b. "Illinois State Board of Education" or "ISBE" means the individual members of the Illinois State Board of Education, the State Superintendent of Education, Glenn McGee, and the Illinois Coordinator for Homeless Children and Youth, Daniel Miller.

c. "Homeless Education Program" or "HEP" means the homeless education program conducted by CPS.

d. "Guardian" means a person who has legal or physical custody of a child, but is not the child's parent.

e. "Homeless person, child, or youth" or "Homeless individual" or the plural of those terms includes, but is not limited to, any of the following:

(1) an individual who lacks a fixed, regular and adequate nighttime residence;

(2) an individual who has a primary nighttime residence that is either a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing), or an institution providing a temporary residence for individuals intended to be institutionalized; or

(3) an individual who lives in a public or private place not designated for or regularly used as sleeping accommodations for human beings.

The parties shall use the U.S. Department of Education's Preliminary Guidance for the Education of Homeless Children and Youth Program definitions of homeless attached hereto and incorporated herein as Exhibit A.

One method of determining homelessness is self-identification by homeless children and youth and/or their parents or guardians. CPS, mindful of and sensitive to the reluctance of some children and youth and their parents or guardians to identify themselves as homeless, shall provide training to CPS personnel that instructs principals, homeless education liaisons, teachers, clerks, and other staff to recognize common signs of homelessness and to act on these indicia with sensitivity to the privacy and dignity of the children and youth and parents or guardians who may be homeless, in order to make services available to such homeless children and youth.

f. "School of Origin" or "Home School" means either the school that a child or youth attended when permanently housed or the school in which a homeless child or youth was last enrolled.

g. "Upon enrollment" means contemporaneous in time with the attempt of a homeless child or youth or parent or guardian to assist that child or youth to gain access to a Chicago Public School classroom, program, or service.

h. "Ombudsperson" means a Regional Education Officer ("REO") or the Senior Administrator in each Region office.

DISCLAIMER

5. It is understood that this Settlement Agreement and Stipulation to Dismiss (hereinafter "Agreement") constitutes no admission by CPS or ISBE that any action taken pursuant hereto shall in any way be construed as an admission by them of any violation of the law or that they acted in any way unlawfully or in violation of any local, state or federal act, or statute, including but not limited to the Illinois Education for Homeless Children Act, 105 ILCS 45/1-1 *et. seq.*; the Illinois School Code, 105 ILCS 5/1-1 *et seq.*; Subchapter VII-B of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. §§11431 *et seq.*; Article X, Section 1 and Article 1, Section 2 of the Illinois Constitution; and the due process clause of the Fourteenth Amendment of the United States Constitution. It is further agreed that this Agreement is entered into solely for the purpose of compromise and in an effort to resolve fully those matters referred to above, and any other matters in connection with this action arising prior to the execution of this Agreement. In addition, CPS and ISBE hereby explicitly deny any wrongdoing or liability in connection with this action.

PROCEDURES FOR SEEKING APPROVAL OF THE SETTLEMENT AGREEMENT

6. All parties shall jointly submit this Settlement Agreement to the Court for its review, approval, and determination of a final hearing date on the sufficiency of the Settlement.

7. Notice to the class of the hearing (attached hereto as Exhibit B) shall be provided to all members of the defined class in the following manner:

CPS shall print such notice and request posting and/or distribution to homeless persons by the following agencies:

a. The City of Chicago, Department of Human Services ("DHS"), Family Services Division;

b. The shelters which house homeless families within the City of Chicago as identified on the DHS list of shelters;

c. The StreetWise newspaper; and

d. The Legal Assistance Foundation of Chicago.

8. The notice shall be completed within 14 days of the date of execution of this Agreement. Notice shall be provided 21 days prior to the deadline for the filing of objections.

9. Upon final approval by the Court and entry of an order pursuant to this Settlement Agreement, the Agreement shall become effective immediately. Implementation shall be completed within 45 days of entry of the final order.

GENERAL POLICIES

10. Upon entry of the final order, CPS shall:

a. ensure that homeless children and youth are provided with equal access to its educational programs and shall establish safeguards that protect homeless children and youth from discrimination on the basis of homelessness. In its effort to provide homeless children and youth educational services, CPS will take reasonable steps to identify and to enroll homeless children and youth in the schools and in the community in a manner that is sensitive to the privacy concerns and the social, financial and safety considerations that affect such children and youth;

b. insure that no homeless child or youth shall be discriminated against in pursuit of the free, appropriate education and programs that are provided to other children and youth. No homeless child or youth shall be discriminated against, segregated from the mainstream school population, or isolated on the basis of his or her homelessness. Nor shall any homeless child or youth be discriminated against with respect to eligibility for placement in magnet or charter schools. The parties jointly recognize that homeless children and youth must have access to educational and other services in order to meet the same challenging academic standards as non-homeless children and youth;

c. comply with the requirements of the "Policy and Procedures On Education Of Homeless Children And Youth" attached hereto as Exhibit C and incorporated herein as a term of this agreement. ISBE shall comply with the "Policy Of The State Board Of Education On The

Education Of Homeless Children And Youth" attached hereto as Exhibit D and incorporated herein as a term of this agreement. CPS and ISBE shall implement the State policy, and shall comply with state and federal laws affecting the rights of homeless children and youth. CPS shall ensure that principals are made aware of the State policy either at mandatory training sessions or by mail.

ENROLLMENT

11. Upon entry of the final order, CPS shall:

a. not deny enrollment to any child or youth living in a shelter or lacking a permanent address or otherwise identified as being homeless;

b. not deny enrollment to or delay the enrollment or transfer of any homeless child or youth unable to produce school, medical, or residency records;

c. provide each homeless child and youth who enrolls in the district with the choice of enrolling in:

(1) the school he or she attended when permanently housed; or

(2) the school in which he or she was last enrolled; or

(3) any school that non-homeless children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend;

d. not discourage a homeless child or youth from attending the school of origin;

e. permit homeless children and youth to remain in the school selected in accordance with the choice identified above for as long as they remain homeless, or if they become permanently housed, until the end of the academic year;

f. immediately enroll the child or youth in the receiving school when a homeless child or youth attempts to enroll in a school and notifies the school that he or she is homeless and that he or she does not have appropriate school records or medical documentation, and then make a reasonable effort to:

(1) verify that the child or youth is homeless;

(2) contact the sending school for proper school records, if necessary, and;

(3) make efforts to secure any documentation of immunizations or physicals;

g. immediately refer a homeless child or youth who lacks immunizations to a physician or clinic, including free clinics, which can provide any necessary examination or immunization(s) in a timely manner. No Chicago public school shall deny enrollment or delay transfer for any period of time to any homeless child or youth for lack of production of school or medical records. If a homeless child or youth has not been immunized, the school must still immediately enroll the child or youth;

h. shall give homeless children or youth the opportunity upon enrollment to participate in all free and low-cost breakfast, lunch, or other food programs available to non-homeless children or youth through CPS.

TRANSPORTATION

12. CPS shall ensure that transportation services will be provided to every homeless child or youth who chooses to attend his or her school of origin. Transportation assistance will be provided for as long as the child or youth attends the school of origin and remains homeless, or if the child or youth becomes permanently housed, until the end of the academic year during which the housing is acquired. If a child or youth begins living in another school district, then transportation services shall be provided to the extent required by law.

13. Upon enrollment and/or upon transfer of any homeless child or youth, CPS staff shall advise the homeless child or youth and his or her parent(s) or guardian(s) of:

a. the right of a homeless child or youth to select the school of origin or to attend the school that non-homeless children or youth who live in the attendance area in which the child or youth is actually living are eligible to attend; and

b. the availability of transportation assistance if necessary for a homeless child or youth to continue attendance at the school of origin. Homeless children or youth not attending a school of origin shall not be provided transportation except for reasons other than homelessness.

14. If a child or youth becomes homeless and chooses to remain in his or her school of origin, each school, upon learning of the child or youth's homelessness, must notify the child or youth and parent or guardian of the availability of transportation services, if such services are necessary for the homeless child or youth to continue attendance at the school of origin. If a homeless child or youth chooses to attend the school of origin and requires assistance with transportation, CPS staff shall:

a. provide student-rate transit passes and the application fee for a student fare card, if necessary, on the Chicago Transit Authority (CTA) to the homeless child or youth and

continue to provide such fare to enable the homeless child or youth to go to and from school and school-related activities;

b. provide full-rate transit passes on the CTA to allow accompaniment by a parent or guardian of every homeless child or youth who is enrolled in his or her school of origin and attending preschool, and kindergarten through sixth grade;

c. have the right to verify whether transit passes provided to the parent or guardian are actually used to transport the homeless child or youth to and from school. In any case where a parent or guardian fails to accompany a homeless child or youth on a regular basis despite provision of CTA passes, the school may provide the parent or guardian with daily CTA fare cards that the parent or guardian will pick up at the school his or her child attends. If a parent or guardian due to illness or hardship is temporarily unable to transport a child, the school shall accept a letter from the parent or guardian permitting a specified person to accompany the child and utilize the CTA pass otherwise provided the parent or guardian for a two week period. Any parent denied CTA passes pursuant to this policy has a right to invoke CPS' dispute resolution process;

d. provide, in hardship situations, an alternative system by which homeless children and youth enrolled in preschool and in kindergarten through sixth grade are provided transportation services. Alternative transportation services will be provided to the homeless child or youth where public transportation would create a hardship as defined by the CPS homelessness policy (Exhibit C, attached and incorporated herein). Upon receipt of an affidavit or verification of a hardship, arrangements for alternative transportation services should be immediately initiated by the school and made directly to the HEP Director. A homeless child or youth may receive alternative transportation service due to hardship for no more than three different locations in a school year, except where hardship transportation beyond three different locations does not require the creation of a new bus route. Transportation is to be arranged promptly and in no event will such arrangements take longer than two weeks to implement, absent documented extenuating circumstances. Hardship transportation assistance shall be offered consistent with 105 ILCS 45/1-15(2) which provides that: "[i]f a parent or guardian chooses to have the child attend the school of origin, that parent or guardian, a teacher of the child, and the principal or his or her designee from the school of origin may meet at the option of the parent or the school to evaluate whether that travel is in the best interest of the child's development and education as compared to the development and education available in attending the school nearest the child's abode. The meeting shall also include consideration of the best interests of the homeless family at its current abode. A parent may bring a representative of his or her choice to the meeting. The meeting shall be convened if travel time is longer than one hour each way." The meeting shall include consideration of the academic and social benefits of attendance at the school of origin and the issues caused for the homeless child or youth by lengthy travel to and from the school of origin. In determining the best interests of the homeless child or youth, school officials shall comply with the decision made by a parent or guardian regarding school selection.

15. Homeless children or youth who receive transportation for any reason other than homelessness shall continue to be provided such transportation and, if eligible, will be provided transportation for any reason other than homelessness (*e.g.*, special education, attendance at a magnet school, overcrowding).

DISPUTE RESOLUTION PROCESS

16. Where a dispute arises regarding enrollment or transportation of a homeless child or youth, that child or youth shall be immediately enrolled and/or transported to the school chosen by the parent or guardian, if the parent or guardian claims that the school is one of the three choices identified in Paragraph 11(c), *supra*.

17. Upon entry of the final order, CPS shall ensure that:

a. school personnel offer to assist parents or guardians of homeless children or youth in completing appropriate grievance forms to resolve their enrollment or transportation disputes;

b. any individual alleging the abridgement of the educational rights of homeless children or youth by CPS, or raising any issue of discrimination, shall, upon request, also be assisted in completing appropriate forms to resolve disputes;

c. initial grievance information will be recorded and received at local schools by the principal, or the principal's designee, on a form provided by the HEP Director. The principal shall attempt to resolve the issue(s) raised by the end of the next school day and notify the HEP Director of the grievance and its resolution;

d. if the principal cannot resolve the grievance by the end of the next school day, the grievance shall be immediately referred to the school's Regional Education Officer (REO);

e. the REO or the Senior Administrator in each Region office will review the grievance and if the dispute cannot be resolved to the parents' satisfaction, the REO or the Senior Administrator in each Region office will convene a meeting of the parties and attempt to resolve the issue(s) raised in an impartial manner within four school days;

f. copies of all grievances filed and the resolution reached shall be maintained in the school's office with a copy forwarded to the HEP Director;

g. the decision of the REO or the Senior Administrator in each Region office shall be considered CPS' final decision;

h. if a dispute arises, CPS personnel, including the HEP Director, shall inform parents or guardians of homeless children about the availability of this grievance process, sources of low cost or free legal assistance and other advocacy services in the community.

TRAINING

18. CPS shall continue the annual training program created by the CPS Homeless Education Program that informs those trained of the educational rights of homeless children and youth and their parents or guardians. The training program stresses that CPS personnel treat homeless students and their parents or guardians sensitively and with respect for a homeless family's dignity and privacy. The training program consists of annual mandatory training of all principals, homeless education liaisons and those school clerks who work with the homeless population. To insure that all principals, homeless education liaisons and school clerks who work with the homeless population receive training, CPS will continue to schedule a standing monthly training course. In addition to the training conducted by the CPS Homeless Education Program, all CPS principals shall conduct training of their school staff that informs personnel of homeless education rights and the indicia of homelessness. These training sessions shall stress the importance of treating homeless children and youth and their families with sensitivity and respect for individual privacy and dignity.

Participation in mandatory homeless education training for principals, homeless education liaisons and school clerks who work with the homeless student population shall be documented in writing as shall school-based training conducted by principals. The written documentation shall be verified by the CPS Chief of Schools and Regions.

19. Within 30 days of the scheduled training, each school shall certify in writing to the HEP Director that it has received homeless education training and has provided such training to its staff.

20. CPS shall retain copies of all materials used or distributed at such homeless education training. CPS shall permit plaintiffs' representatives an opportunity to attend one such training.

COORDINATION WITH OTHER GOVERNMENTAL AND SOCIAL SERVICE AGENCIES

21. CPS agrees to develop a model homeless education program and implement such model for CPS' coordination of services for homeless children and youth with other agencies and entities serving homeless children or youth.

22. Each CPS school shall identify a school employee to serve as the school's liaison to assist with identifying and enrolling homeless children and youth in the school chosen pursuant to the CPS policy regarding the education of homeless children and youth.

23. In addition to tutoring services available to all students who attend a CPS school, CPS shall provide tutoring services to all homeless children or youth upon request. If the school offers a tutoring program as part of its services, the homeless child or youth shall be permitted to use such program. If a school does not offer such a program and a request for such services is made, the school shall arrange for the provision of such services through the HEP. Any tutor provided through the HEP shall be made available to a homeless child or youth no less than one hour per week.

NOTIFICATION

24. Semi-annually, in August and February, and at the time of enrollment, CPS will provide written notice, a copy of which is attached to this agreement as Exhibit E, to all students enrolled in CPS schools and their parents regarding their educational rights under federal and state law, the Settlement Agreement, and CPS' homeless education policy. Such notice will be kept available at each school along with CPS Policy on Education of Homeless Children and Youth and will be posted in a prominent location within the school. CPS will also make the notice available to parents at each school during report card pick up. All notices and information shall be in English, Spanish and Polish. CPS also will provide to homeless parents notice in August, February, and at the time of enrollment, in the form attached as Exhibit F, of their right to utilize the HEP's dispute resolution process.

HOMELESS RETENTION AND RETURN PROGRAM

25. CPS is committed to increasing attendance of all students enrolled in schools within the district, homeless or otherwise. CPS has in place a Student Attendance Improvement Plan which is designed to reduce absenteeism and truancy. Each school will be encouraged to take appropriate action consistent with the Student Attendance Improvement Plan to serve the needs of homeless children and youth.

PRODUCTION OF INFORMATION

26. The provisions in this Settlement Agreement regarding production of information shall not be enforced by plaintiffs for the 2000-2001 school year. Appropriate provisions regarding production of information by the HEP will be negotiated by the parties after the end of the 2000-2001 school year when the person who assumes the new HEP position has had ample time to determine what information is pertinent and the feasability of its production. The parties agree that if no agreement can be reached on HEP production of information to plaintiffs beginning with the 2001-2002 school year, then CPS will produce to plaintiffs' counsel the following information described in a(1) through a(8):

a. a report summarizing the following information collected by CPS during the school year so that plaintiffs can ascertain if CPS has complied with the McKinney Act, the Illinois Education for Homeless Children Act, and the terms of this Agreement. The report shall include the following information:

(1) Statistically reliable and valid figures on the number of homeless children enrolled in CPS;

(2) Documentation of transportation services provided and how they were provided, requests for transportation, overall money spent on transportation, and identification of problem areas in transportation;

(3) Training materials and presentation used in training school staff about (a) the educational needs of homeless children and youth, and (b) the laws and policies governing homeless education. CPS shall also provide verification of staff training dates, and attendance;

(4) Notices, pamphlets, posters, and flyers distributed to parents and children or youth regarding their rights under the law and under the CPS homeless education policy, as well as verification that the schools actually distributed these notices;

(5) List of complaints and/or issues resolved through the Dispute Resolution Process;

(6) Data on homeless students identified as truant and information on CPS' efforts (date, place) to locate and enroll homeless children and youth of all ages;

(7) List of agencies with which CPS has had contact, in the recording year, regarding the sharing of homeless information and services; and,

(8) An accounting of funds received and used under the McKinney Act.

b. If no agreement can be reached on HEP production of information beginning with the 2001-2002 school year, at the end of each school year CPS will collate the data described in subparagraphs a(1) through (a)(8) above and prepare a summary report of its contents. At the end of the 2001-2002 school year, CPS will share its report with plaintiffs' counsel. Thereafter, the report to plaintiffs' counsel and the supporting data will be available for inspection or review pursuant to the Freedom of Information Act.

c. If no agreement can be reached on HEP production of information beginning with the 2001-2002 school year, CPS shall produce annually the following information to ISBE:

(1) The number of homeless school-age children and youth served by CPS on an annual basis as determined by the HEP database, and an estimate based on whatever sources are commonly available, of the total number of homeless school-age children and youth in the City of Chicago;

(2) The numbers of homeless children and youth who receive transportation assistance during the school year, including a breakdown of those who receive CTA

transit passes and hardship cases requiring transportation assistance that goes beyond the provision of CTA transit passes;

(3) Copies of all training materials utilized by CPS or its staff and a list of the dates, times, places, and identification of the groups attending all training sessions conducted and the content thereof;

(4) Copies of any notices, pamphlets, brochures, flyers, or other documentation designed to increase public awareness among parents or guardians, educators (particularly early childhood educators), social service professionals, health care professionals, shelter providers, homeless people, and the public at large, regarding education rights under the federal McKinney Act and the state Education for Homeless Children Act, and the importance of providing stable educational opportunities to homeless children and youth, especially young preschool age homeless children who can be placed in early childhood or other preschool programs;

(5) Documentation of all complaints received by CPS's Homeless Education Program, ombudsperson and any principals or other staff that have been filed pursuant to the Dispute Resolution Process by parents, homeless children and youth, or others regarding any rights, services, or option for homeless children or youth;

(6) A list of efforts made to seek out and enroll homeless children and youth, and a summary of how many were enrolled, including any homeless children and youth identified and enrolled through the CPS truancy program. CPS will collect and retain information regarding the referral sources of a child's or youth's enrollment (*e.g.*, truancy officer, shelter, etc.);

(7) List of all agencies and shelters receiving notices concerning homeless children's and youth's rights and a list of shelters which have received any training or technical support from CPS and a description of any such training or support;

(8) List of all clinics which CPS is using as a referral for free or low-cost medical services;

(9) All policies, procedures, materials, or forms utilized by the HEP in CPS.

c. The information described in the report to ISBE will be made available to plaintiffs' counsel by CPS or ISBE within 30 days of plaintiffs' counsel's request for such information following the close of the academic years 2000-2001 and 2001-2002. The State reserves the right to seek additional information from CPS if required as part of its normal grant application monitoring provisions under the McKinney Act and applicable state law.

27. CPS will continue to distribute the attached ISBE policy (Exhibit D) to each principal and all administrative offices of CPS. CPS will send each principal a copy of the policy.

ENFORCEMENT

28. The named plaintiffs represent two plaintiff classes ("Class A," the "children class" and "Class B," the "parent class"), pursuant to 735 ILCS 5/2-1008 A. The classes are defined as follows:

a. Class A: All children between the ages of three and twenty, inclusive, who on or after January 1, 1991: (1) have lived, live or will live in the City of Chicago; and (2) during such period have been, are or will be "homeless" as defined in Section 103 of the McKinney Homeless Assistance Act, 42 U.S.C. §11302, but have not been, are not, or will not be attending private or parochial schools while "homeless."

b. Class B: All parents or guardians with legal custody of children in Class A (and other persons with legal custody of children in Class A) who, on or after January 1, 1991: (1) have lived, are living, or will live in the City of Chicago; and (2) during such period have been, are or will be "homeless" as defined in Section 103 of the McKinney Homeless Assistance Act, 42 U.S.C. § 11302.

29. As to any disputes which may arise between any class member identified in paragraph 28 and CPS, the process for resolution shall be as follows: (a) for problems involving individual children and youth, plaintiffs' counsel will contact and send written notice describing the specific difficulty to the HEP Director; or (b) for problems involving systemic issues such as staff training, parental notification of homeless education rights or the dispute resolution process, plaintiffs' counsel shall contact and send written notice describing the difficulty to Dr. Blondean Davis, CPS Chief of Schools and Regions. Plaintiffs will refrain from proceeding with any court action for a period of sixty (60) days to allow time for negotiation and resolution outside of court. In the event of an emergency situation in which a particular homeless child or youth has been denied enrollment or transportation services as a result of alleged violations of either federal or state law, or the Settlement Agreement, plaintiffs' counsel shall provide written notice to the HEP Director and to Dr. Davis. If the problem has not been resolved within five (5) calendar days, plaintiffs may proceed with court action.

Provided that the time limits and procedures set forth above are followed, any class member identified in paragraph 28 may file a motion seeking enforcement of the term or terms of this Agreement. The filing of such motion shall reinstate the lawsuit. The Court shall retain continuing jurisdiction over the lawsuit in order to enforce the term or terms of this Agreement pursuant to a motion filed under this paragraph or otherwise.

WAIVER AND RELEASE

30. In consideration of this Settlement Agreement, the named plaintiffs and all class members who have not timely requested to be excluded from the class, including their successors, predecessors, attorneys, heirs, and all other persons acting on their behalf, hereby agree to release and discharge all the CPS defendants and State defendants together with their past or present directors, officers, employees, agents, attorneys, and all other persons acting on their behalf, from any and all manner of actions, suits, causes of action, demands, losses, rights and other claims of every kind, nature or character whatsoever, known or unknown, except for any special education claims, which such plaintiffs and class members now have or ever had against all defendants for the relief sought in Salazar v. Edwards, Case No. 92 CH 5703, Circuit Court of Cook County, arising out of any failure by defendants to comply before the date of execution of this release with the Illinois Education for Homeless Children Act or the Stewart B. McKinney Homeless Assistance Act. This release does not apply to any conduct or omission to act by the defendants occurring after the date of execution of this release.

31. Nothing in this Agreement shall deprive any homeless child or youth of any right or service to which he or she may be entitled pursuant to any other decision, statute, regulation or other settlement.

ATTORNEY FEES

32. On or before July 26, 2000, CPS shall pay plaintiffs' counsel the sum of $190,000.00 for attorneys fees and costs incurred through the date of this Agreement, as set forth in the separate agreement on attorneys fees and costs attached as Exhibit G. ISBE is not liable for any attorneys fees and costs referenced in this paragraph of this Agreement. Nothing in this Agreement shall affect the entitlement of plaintiffs' counsel to attorneys fees and costs incurred after the date of this Agreement.

Date of execution: July 27, 2000

Agreed:

Marilyn F. Johnson, Attorney
On behalf of the Chicago
Board of Education

Laurene M. Heybach, Attorney
On behalf of the Plaintiff Class

Harry Blackburn
On behalf of the Illinois
State Board of Education

Board Adopts Policy on Education of Homeless

At its December meeting, the State Board of Education adopted a policy on the education of homeless children and youth. For additional information about this policy or programs for homeless children and youth contact Daniel Miller, Division of Community and Family Partnerships at 217/782-3370

Policy of the State Board on the Education of Homeless Children and Youth

The State Board of Education is concerned with the school enrollment, attendance and success of homeless children and youth. This policy is promulgated with the intention of minimizing educational disruption for homeless children and youth and eliminating stigmatization and isolation. Under the federal Stewart B. McKinney Homeless Assistance Act, homeless children and youth should have access to educational and other services in order to meet the same challenging academic standards as non-homeless children and youth.

School districts shall comply with this policy and shall comply with state and federal laws affecting the rights of homeless children and youth.

Under the McKinney Act, school districts must review any rules or regulations, practices or policies that may act as barriers to the enrollment of homeless children and undertake steps to revise such regulations, practices or policies to assure that homeless children and youth are afforded the same opportunities as non-homeless children and youth.

Consistent school attendance by homeless children and youth in their school of origin is important to the success of all learners. School districts have a responsibility to help foster consistent attendance by reaching out to homeless families and working with them to provide that homeless children and youth continue to attend their school of origin without interruption, wherever possible.

School districts should develop relationships with, and coordinate with, agencies providing supportive services to the families of homeless children and youth. Such agencies include domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, transitional living programs for homeless youth, and other public and private social services. All local school districts receiving funding from the Illinois State Board of Education through the Stewart B. McKinney Act must undertake this coordination activity. To provide comprehensive services to homeless children and youth and their families, school districts should endeavor to integrate child development programs, preschool programs, and programs for runaways.

Heightened awareness of the needs of homeless children and youth, as well as the responsibilities of local school districts under federal and state laws, is a key factor in assuring that the needs of homeless children and youth are met. School districts should, as a part of their professional development programs, develop such programs for school personnel to heighten their awareness of, and capacity to respond to, problems in the education of homeless children and youth. Such development programs should include training in the following areas:

a. the rights of homeless children and youth and their families under state and federal law,
b. methods to determine whether the family of a child or youth is homeless without creating stigmatization or isolation, and
c. recognition that homeless children and youth face special problems and challenges which require heightened sensitivity to their needs on the part of teachers and administrators.

It is particularly important that local education agencies receiving funding from the Illinois State Board of Education under the federal Stewart B. McKinney Education for Homeless Children and Youth Act provide professional development activities for school personnel.

The State Board of Education encourages school districts to make targeted efforts to provide early childhood education programs, tutoring, supplemental instruction, and enriched educational services targeted to homeless children and youth to enable them to achieve the same educational performance standards of other children and youth.

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Chicago Public Schools Policy Manual

Title: **POLICY AGAINST DISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, GENDER, SEXUAL ORIENTATION, AGE, RELIGION, OR DISABILITY**

Section: **501.3**

Board Report: 97-1119-PO2 **Date Adopted:** November 19, 1997

Policy:

The Board of Education of the City of Chicago, ("Board") is committed to providing a work and learning environment in which all individuals are treated with respect and dignity. Each employee and student has the right to work and learn in an environment that is free of discrimination and harassment on the basis of race, color, national origin, sex, gender, sexual orientation, age, religion, and disability. No person should be required to endure discrimination or harassment of any kind as a condition of employment or in pursuit of academic excellence. Therefore, it is the policy of the Board to prohibit discrimination or harassment against any employee or student on the basis of the employee or student's race, color, national origin, sex, gender, sexual orientation, age, religion, or disability.

This policy applies to all Board employees, students, consultants and vendors to the Board. This policy applies to all levels of academic status including but not limited to testing, grading, any evaluation or assessment, discipline including suspension and expulsion, participation in any activity or program, receipt or recognition of awards. This policy also applies to all phases of employment including, but not limited to recruitment, hiring, upgrading, promotions or demotions, transfers, layoffs, terminations, suspensions, rates of pay, benefits and selection for training. Discrimination by or against any employee or student, consultant or vendor, whether in the schools, in work-related assignments outside of the schools, at school-related extracurricular functions, Central Office or elsewhere, will not be tolerated. Violators of this policy will be subject to discipline, up to and including dismissal or expulsion, or if a consultant or vendor, contract termination or debarment.

II. GENERAL PROVISIONS

A. The Board has adopted several nondiscrimination policies along with procedures for investigating specific allegations of discrimination. Each policy is designed to more fully address conduct proscribed under a particular nondiscrimination law. This policy should be read in conjunction with every Board nondiscrimination policy. To the extent that this policy extends greater protection to students or employees from discrimination than another Board nondiscrimination policy, the conduct prohibited by and the action taken under this policy shall control. To the extent that any other Board nondiscrimination policy extends greater protection to students or employees from discrimination than this policy, the conduct prohibited by and the action taken under the other Board policy shall control.

B. The Sexual Harassment Policy is designed to more fully address conduct proscribed under laws regarding sexual harassment. The Sexual Harassment Officer or designee shall be responsible for investigating allegations of sexual harassment and implementing the policy and procedures under the Board's Sexual Harassment Policy.

C. The Policy and Procedures on The Americans with Disabilities Act (ADA) is designed to more

fully address conduct proscribed under laws regarding disability discrimination. The ADA Administrator or designee shall be responsible for investigating allegations of disability discrimination and implementing the policy and procedures under the Board's ADA Policy.

D. All other acts of discrimination prohibited by this policy, i.e discrimination on the basis of race, color, national origin, gender, sex, sexual orientation, age, and religion shall be investigated under this policy.

E. The Human Relations Officer for the Chicago Public Schools ("Human Relations Officer") or designee shall implement this policy and shall investigate all allegations of discrimination made under this policy.

F. This policy is intended to create guidelines and procedures for investigation of certain complaints of discrimination. Nothing in this policy is intended to nor shall be construed to create a private right of action against the Board or any of its agents or employees. No part of this policy shall be construed to create contractual or other rights or expectations. Further, nothing herein is intended to affect the right of any person to make a charge of discrimination at any state or federal agency with jurisdiction over such claims.

III. PROCEDURES

A. Any student or employee who believes, that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, sex, sexual orientation, age, or religion may file a complaint for investigation under this policy.

B. The complaint shall be filed within 90 days of the alleged discriminatory act and may be made to any of the following persons:

1. A supervisor, administrator, teacher, counselor, or principal in the complainant's school or department;
2. The Regional Education Officer;
3. The Director of Human Resources or designee in the Department of Human Resources;
4. The Human Relations Officer.

C. Any person described in section B(1),(2), or (3) above receiving a complaint must refer it in writing, to the Human Relations Officer within three (3) business days. Failure to timely refer such complaints to the Human Relations Officer can constitute the basis for disciplinary action.

D. The Human Relations Officer shall promulgate procedures for investigating such complaints.

E. The procedures promulgated by the Human Relations Officer shall include at a minimum, the development of complaint forms which must be signed by the complainant, time lines for the conduct of investigation, and maintenance of a record-keeping system for all allegations, investigations, findings, and action(s) taken. To the extent possible, all such information will be kept confidential.

F. The Human Relations Officer shall work cooperatively with and/or refer complaints to the ADA Administrator and/or the Sexual Harassment Officer on allegations of discrimination that may be related to or more appropriately handled by either Administrator.

IV. EDUCATION, TRAINING, AND PREVENTION

A. The Human Relations Officer or designee, in consultation with the Law Department, will conduct training or arrange for training to be provided on this policy to principals, administrators, and Board employees who have specific responsibilities for implementing procedures under this policy.
B. Principals in each school will be responsible for informing staff and students on an annual basis of the terms of this policy, including the procedures established for investigation and resolution of complaints.

C. The Board will make available to other interested persons information regarding this policy. The Board will also make available to all interested persons the name, office, address and telephone number of the Human Relations Officer who is designated to coordinate the Board's efforts to comply with and carry-out its responsibilities under this policy.

Amends/Rescinds: Rescinds 86-1022-CR1; 86-1008-PE17
Cross References:
Legal References:

HOMELESS EDUCTION PROGRAM
REGIONAL LIAISONS

REGION 1

Dr. William Jordak
(773)534-1248

REGION 2

Homeless Education Program Liaison
(773)534-8230

REGION 3

James Vanecek
(773)534-6284

REGION 4

Cheryl Meyers
(773)534-9082
Ext. 119 or 120

REGION 5

Shelly Brim
(773)535-9570

REGION 6

DuWayne Kohnke
(773)535-2865

CHICAGO PUBLIC SCHOOL'S POLICY
on
Homeless Children's
Eligibility for Prekindergarten Programs

CHICAGO PUBLIC SCHOOLS
EARLY CHILDHOOD EDUCATION
STATE PREKINDERGARTEN PROGRAM

HOMELESS CHILDREN

Guidelines for enrollment of homeless children eligible for the State Prekindergarten Program are implemented based on the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77, 1987, 1987), amended 1990 and again in 1994, under the Improving America's Schools Act as outlined in the Education of Homeless Children and Youth Handbook of the Chicago Public Schools.

These children have priority for school enrollment. If it is necessary to put them on a waiting list due to full enrollment, they go to the top of the list until the next available opening.

CHICAGO PUBLIC SCHOOL'S POLICY
on
Waiver of School Fees

NOTIFICATION TO PARENTS OR GUARDIANS OF POLICY FOR WAIVER OF SCHOOL FEES AND PROCEDURES TO APPLY FOR WAIVER

It is the policy of the Chicago Public Schools that parents or guardians of Chicago Public School students be given them opportunity to apply for waiver of school fees if they are financially unable to pay.

A. SCHOOL FEES

School fees are any monetary charges collected by the school from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school.

"School fees" include, but are not limited to, the following:

a. All charges for required textbooks and instructional materials.

b. All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).

c. Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/ vocational education or the sciences).

d. Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.

e. Charles to participate in extracurricular activity.

f. Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).

g. Graduation fees (e.g., caps, gowns).

h. School records fees.

i. School health services fees.

j. Driver's education fees assessed pursuant to Section 27-23 of The School Code.

*School fees' do not include:

a. Library fines and other charges made for the loss, misuse, or destruction of school properly

b. Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.

c. Charges for optional travel undertaken by a school club or group of students outside of school hours.

d. Charges for admission to school dances, athletic events or other social events.

e. Charges for optional community service or recreational programs.

B. **STUDENTS ELIGIBLE FOR WAIVER**

Students who qualify for free lunches or breakfasts or reduced price lunch or breakfast are eligible for waiver. Also students whose immediate family are experiencing a very significant loss of income due to severe illness or injury in the family or unusual expenses because of a natural catastrophe.

C. **PROCEDURE TO APPLY FOR A WAIVER OF SCHOOL FEES**

To apply for a waiver for a school fees the parent or guardian must sign and file an "Application for Waiver of Fees' form with the school principal.

The forms are maintained by the principal and are distributed freely.

If you application for waiver is approved, you do not need to do anything.

D. **PROCEDURE FOR APPEAL**

If your application for waiver is denied, you have the right to appeal the decision to your District Superintendent. If you choose to appeal you must contact the office of your District Superintendent within five (5) calendar days from the date you received the denial notice. If the fifth day falls on a Saturday, Sunday or school holiday, you have until the next business day after the Saturday, Sunday or holiday.

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CHICAGO PUBLIC SCHOOLS
APPLICATION FOR WAIVER OF FEES

SCHOOL: _____

I, _____, parent (or legal guardian) of
Parent's Name
_____, hereby request a waiver of
Student's name and date of birth
fees for _____ for the period from _____to
(Activity)
_____ because I am unable to afford to pay said fees.

Family size: _____ _____
Adults (Over 18) Children (Under 18)

	Source	Amount (Specify per month, per year, etc.)
Family income from all sources:	_____	_____
	_____	_____
Number of children currently in school:	_____	
Names of Children currently eligible for free breakfast or free lunch program:	_____	
Any factors or expenses temporarily affecting family income:	_____	
	_____	
Other (explain inability to pay fees):	_____	
	_____	

I certify that the above statements are true and correct.

_____ _____
Signature Address

_____ _____
Print Name Telephone

POLICY REGARDING WAIVER OF SCHOOL FEES

SUBJECT: POLICY FOR WAIVER OF SCHOOL FEES.

ISSUES: It shall be the policy of the Board to adopt a written policy regarding the waiver of school fees.

PRESENT POLICY: To waive fees for students of families unable to pay.

HISTORY OF BOARD ACTION: Adoption of Board Report No. 79-154-3.

RECOMMENDATION:

POLICY FOR WAIVER OF SCHOOL FEES

A. DEFINITION OF SCHOOL FEES

1. School fees or fees mean any monetary charge collected by the school from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school. A school does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.
2. "School fees" include, but are not limited to, the following:
   a. All charges for required textbooks and instructional materials.
   b. All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
   c. Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
   d. Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
   e. Charges to participate in extracurricular activity.
   f. Charges for supplies required for a

particular class (e.g., shop or home economics materials, laboratory or art supplies).

g. Graduation fees (e.g., caps, gowns).
h. School records fees.
i. School health services fees.
j. Driver's education fees assessed pursuant to Section 27-23 of The School Code.

3. "School fees" do not include:
   a. Library fines and other charges made for the loss, misuse, or destruction of school property.
   b. Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
   c. Charges for optional travel undertaken by a school club or group of students outside of school hours.
   d. Charges for admission to school dances, athletic events or other social events.
   e. Charges for optional community service or recreational programs.

B. **STUDENTS ELIGIBLE FOR WAIVER**

1. Participants in Community School Lunch Program. Students who qualify for free lunches or breakfasts under an Act authorizing school boards and welfare centers to sponsor community school lunch programs and free breakfast and lunch programs and an act authorizing and requiring free school lunch programs, providing for State reimbursement (the Community School Lunch Program), are eligible for waiver of school fees.
2. Students under extenuating circumstances. Students who suffer extenuating circumstances are eligible for waiver of school fees. Extenuating circumstances include: students who are eligible to receive reduced price lunch or breakfast; very significant loss of income due to severe illness or injury in the family; or unusual expenses incurred because of a natural catastrophe. The principal shall decide waivers under extenuating circumstances on a case by case basis in a non-discriminatory fashion and shall rely upon documentation submitted by the applicant. The principal's decision is appealable to the District Superintendent.

C. **NOTIFICATION TO PARENTS/GUARDIAN**

A notification of the Policy for Waiver of School Fees and Procedure For Waiver of School Fees shall be sent to the parent or guardian of all students enrolled at

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the start of the school year with the first bill or fee notice sent and thereafter to the parent/guardian of all students enrolling in the school for the first time.
An "Application For Waiver of School Fees" form may be included with the first bill or fee notice. [optional]
The notification shall describe the Policy For Waiver of School Fees, the criteria and other circumstances under which school fees are waived, the fees subject to waiver, the procedure for applying for a waiver and the procedure for resolving disputes concerning the request for waiver.
The notification shall be in English or the home language of the parents if it is needed to ensure their understanding of the Policy.
Parents or guardians may apply for waiver of fees by following the Procedures For Waiver of Fees.

D. **RESOLUTION OF DISPUTES**

If an application for waiver is denied, then the Principal shall mail a copy of the decision, stating the reason for the denial, to the parents or guardian within thirty (30) calendar days of receipt of the request.
The decision shall inform the parents or guardian of their right to appeal, within the time provided, to the District Superintendent.
The denial notice shall inform the parents or guardian that they may reapply for a waiver during the school year if their circumstances change or if the basis of the decision or reason for which they were denied a waiver changes.

E. **CONFIDENTIALITY**

School records and information from School Records that identify individual students as applicants for or recipients of fee waiver are confidential and may not be disclosed except as provided under the Illinois School Student Records Act.

F. **INTERNAL AUDIT**

All waivers of student fees are subject to audit by Internal Audit.

G. **PROHIBITION AGAINST DISCRIMINATION OR PUNISHMENT**

No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or

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guardians are unable to purchase required textbooks or instructional materials or to pay required fees.

The principal shall be responsible for implementing and following the provisions of this Policy in accord with provision II(a) of the Uniform Principal Performance Contract.

RATIONALE: This Policy is necessary to insure that the Board has a consistent published policy for waiver of school fees.

FINANCIAL REVIEW: The cost of waiving school fees has traditionally been the responsibility of the individual schools. This policy does not alter that tradition, but only clarifies the fees to be waived and for whom.

LEGAL REVIEW/ REFERENCES: This Policy was written by the Law Department to ensure compliance with the Illinois School Code and the Illinois Administrative Code.

PROCEDURES FOR WAIVER OF SCHOOL FEES

It is the goal of these Procedures to provide to eligible parents or guardians the opportunity to apply for waiver of school fees.

A. APPLICATION FOR WAIVER

To obtain a waiver the parent or guardian shall file and sign an 'Application For Waiver of Fees' form with the school principal. The Application For Waiver of Fees forms, prescribed by the General Superintendent, shall be maintained by school principal and distributed freely upon request.

If the request for a fee waiver is denied, the school shall mail a copy of its decision to the parent or guardian stating the reason for the denial within thirty (30) calendar days of its receipt of the request. A copy of the notice of denial will be sent to the District Superintendent at the same time it is sent to the parent or guardian.

The notice of denial shall inform the parents or guardian that they have five (5) calendar days to appeal the decision to the District Superintendent.

The notice of denial shall also inform the parents or guardian that they may reapply for a waiver during the school year if their circumstances change or if the basis of the decision or reason for which they were denied a waiver changes.

B. APPEAL TO DISTRICT SUPERINTENDENT

The parent or guardian shall appeal the denial within five (5) calendar days of receipt of the decision to the District Superintendent who has make the final decision.

The parent or guardian must contact the District Office in writing, by phone, or in person, within five (5) calendar days of receipt of the notice of denial. The District Superintendent will schedule a meeting with the parent or guardian to hear the appeal.

The District Superintendent shall decide the appeal within thirty (30) calendar days of the receipt of the request for an appeal.

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If the appeal is denied, then the District Office shall mail a copy of its decision, stating the reason for the denial, to the parent or guardian.

If the appeal is granted and the District Superintendent determines that the fee should be waived, the District Office shall mail a copy of its decision to the parent or guardian.

The District Office shall send a copy of its decision regarding the appeal to the principal of the school from which the appeal was taken.

C. **NO COLLECTION OF FEE PENDING THE APPLICATION OF WAIVER**

No fee shall be collected from any parent or guardian who is seeking a fee waiver in accordance with this policy until the district has acted on the initial request or appeal (if an appeal is made), and the parents or guardian have been sent notice of the decision.

CHICAGO PUBLIC SCHOOLS
APPLICATION FOR WAIVER OF FEES

SCHOOL: _____

I, _____, parent (or legal guardian) of
Parent's Name

_____, hereby request a waiver of
Student's name and date of birth

fees for _____ for the period
(Activity)

from _____ to _____ because I am unable to afford

to pay said fees.

Family size: _____ _____
Adults (Over 18) Children (Under 18)

	Source	Amount (Specify per month, per year, etc.)
Family income from all sources:	_____	_____
	_____	_____
Number of children currently in school:	_____	
Names of Children currently eligible for free breakfast or free lunch program:	_____	
Any factors or expenses temporarily affecting family income:	_____	
	_____	
Other (explain inability to pay fees):	_____	
	_____	

I certify that the above statements are true and correct.

_____ _____
Signature Address

_____ _____
Print Name Telephone

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d. Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.

e. Charges to participate in extracurricular activity.

f. Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).

g. Graduation fees (e.g., caps, gowns).

h. School records fees.

i. School health services fees.

j. Driver's education fees assessed pursuant to Section 27-23 of The School Code.

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c. Charges for optional travel undertaken by a school club or group of students outside of school hours.

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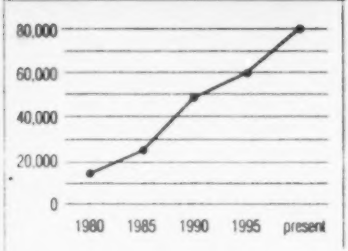
The Facts Behind the Faces

A FACT SHEET FROM THE CHICAGO COALITION FOR THE HOMELESS

Photo by Chuck Cherney, Chicago Tribune

Homelessness: *The Causes and Facts*

HOMELESSNESS IN CHICAGO[1]



Introduction

At a time when the economy is booming, unemployment is low, and the Dow Jones has set new records, the National Coalition for the Homeless estimates that as many as 3 million people are homeless in the U.S. during the course of a year. Of these, 80,000 are in the city of Chicago. As many as 15,000 people in Chicago are homeless on any given night.

The primary causes of homelessness are the lack of affordable housing, the lack of living wage jobs or sufficient income, and the lack of adequate health and supportive services. Local and national efforts to address homelessness often focus on emergency services, temporary shelter, food, clothing, and emergency healthcare rather than on the root causes.

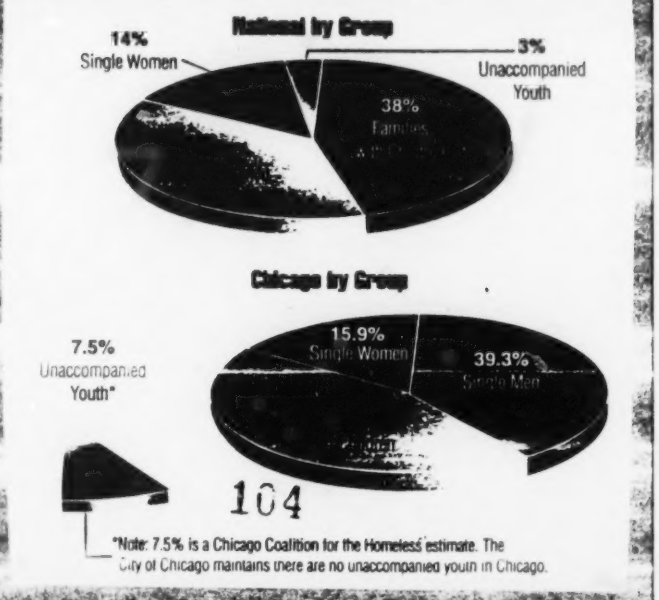
While advocates are busy fighting for new affordable housing and creating new job opportunities, homelessness is outpacing them. Chicago's 5,000 shelter beds are vitally important and life saving, but they are not a permanent solution. Until the root causes of homelessness are addressed and permanent solutions adequately funded, the problem will continue to worsen.

Who Are the Homeless?

- 22% of homeless people are veterans. There are more homeless veterans today than U.S. soldiers who died in Vietnam.[1]
- The average age of a homeless person in the United States is 9 years old.[2]
- In the US, 29% of homeless families that have ever received TANF reported having their benefits cut or reduced in the last 6 months.[3]
- In Chicago, 22% of homeless people are currently employed. 25% have been unemployed for more than one year. 33% have never been employed.[4]

- 16% of homeless people spent time in foster care, group homes, shelters, or welfare hotels before they were 18.[5]
- In Chicago, 47% of homeless families have been homeless more than once.[6]
- As many as 25-40% of homeless people work full- or part-time, but cannot afford to pay rent.[7]

NATIONAL vs. CHICAGO HOMELESS DEMOGRAPHICS[1]



*Note: 7.5% is a Chicago Coalition for the Homeless estimate. The City of Chicago maintains there are no unaccompanied youth in Chicago.

CAUSE: Lack of Affordable Housing

- In Chicago, 245,000 potential low-income renters (those households making less than $12,000 per year) compete for 115,000 affordable rental units. As a result, 130,000 renters cannot find affordable housing.[8]
- 151,000 households in the Chicagoland area have incomes at less than 50% of area median income and either pay more than half their income in rent or live in severely substandard housing. Of those households, 106,000 are in the city of Chicago.[9]
- In Illinois, 40% of all households cannot afford a market-rate two-bedroom apartment, and 33% cannot afford a market-rate one-bedroom apartment.[10] This ranks the state 12th worst in the nation in the gap between income and rental costs.
- The affordable housing shortage, once concentrated in the cities, has spread to the suburbs. The number

Continued on page 2

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Continued from page 1

of suburban households with critical housing needs jumped by 146,000 from 1991 to 1995 —a 9% increase.[11]

■ Nationally, 10.5 million renters compete for 6.1 million low-income units. This gap leaves 4.4 million people unable to find an affordable place to live.[12]

■ More than 1 million families nationwide are on waiting lists for assistance from the U.S. Department of Housing and Urban Development (HUD).[13] In Chicago there are 61,567 households on the waiting list.[14]

■ Nationally, requests for housing assistance have increased by 74% in the last year. Only 27% of eligible low-income households currently receive housing assistance.[15]

■ 18,000 units of public housing in Chicago are slated for demolition, displacing 42,000 people.

■ In 1998, 44% of families nationwide lived doubled or tripled up with family or friends prior to entering homeless shelters.[16]

Targeting Treatment for Homeless People

Most drug and alcohol addicts never become homeless, but people who are poor and addicted are more susceptible to homelessness. Many homeless people develop an addiction after becoming homeless. The challenge of controlling an addiction, regardless of when it arises, coupled with a lack of proper treatment programs, makes moving beyond homelessness extremely difficult.

Of the 38% of homeless people who suffer from an alcohol or drug addiction, less than half receive proper treatment.[46] The National Association of State Alcohol and Drug Abuse Directors has identified homeless people as a group with specific needs they are unable to meet, but little is done to improve access to treatment for homeless people.[47] Illinois does not identify the homeless population as a priority for receiving state or federal substance abuse funding. Therefore only a small amount of that funding is specifically targeted toward treatment programs for homeless people.[48]

Several studies have shown that treatment is a more cost-effective and helpful way to address substance abuse than the usual alternative of incarceration. A national study found that, following treatment, clients who reported being homeless dropped by 43%, while the employment rate increased by 19%.[49] In California, a 1991 study showed that for every dollar spent on treatment $7 were saved by taxpayers.[50]

Recently, the increasing number of people incarcerated for drug-related crimes has prompted several states, including New York and Arizona, to cease mandatory prison sentences in favor of treatment programs. In addition, more than two-thirds of U.S. prison wardens favor the increased use of correctional treatment options, such as residential drug treatment programs and halfway houses.[51]

Domestic Violence and Homelessness

Domestic violence is a leading cause of homelessness among women and children. Half of all homeless women cite domestic violence as their primary cause for becoming homeless.[52] Many women who leave their abusers have no other option but the streets. Leaving an abusive relationship often means leaving property and family income behind.

Of women who become homeless due to abuse, 40% are not able to find room in a domestic violence shelter. There are nearly three times as many animal shelters in the U.S. as shelters for battered women.[53]

The lack of decent affordable housing and childcare compounds their already desperate situation. In some cases, the painful experience of being homeless causes women to return to their abusers. For others, relentless batterers—those who show up at a woman s new job and harass her--make regaining stability and independence a difficult task.

CAUSE: Lack of Living Wage Jobs

■ Chicago lost 400,000 manufacturing jobs between 1971 and 1999. The vast majority of these jobs paid living wages, unlike the service sector jobs that replaced them.[17]

■ Between 1982 and 1990, temporary employment grew by 300%.[18] In 1997, almost 30% of all U.S. workers were employed in part-time or temporary positions, even though many of these workers actively sought full-time work.[19]

■ A person must work full-time and earn at least $8.29/hour to reach the federal poverty level for a family of four ($16,588). According to the most recent Census Bureau report, 2.3 million people worked full-time in 1997 yet were below the poverty line.[20]

■ In Chicago, a family of four must earn an annual income of $33,775 to meet a basic budget including rent, transportation, and childcare.[21]

■ A full-time worker at the minimum wage of $5.15/hr. earns an annual income of $10,300 before taxes. Minimum-wage jobs generally provide no benefits such as health insurance or daycare, nor do they provide opportunity for advancement. The real value of the minimum wage in 1997 was 18.1% less than in 1979.[22]

■ Between 1980 and 1998, the average pay of working people increased just 68%, while CEO compensation grew by 1,596%. The average CEO of a major corporation made $10.6 million in 1998, 419 times more than an average blue-collar worker.[23]

■ A 1998 welfare grant for a family of three was $377. The buying power of a 1998 welfare grant was less than 44% of a grant in 1973.[24]

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Availability of Shelter Beds in Chicago

Type of Shelter	Single Men	Single Women	Women with Children and Families	Unaccompanied Youth	Total
Warming Centers	610	160	345	n/a	1,115 beds
Overnight Shelters	611	126	20	n/a	757 beds
Transitional Shelters	449	111	1,109	59	1,728 beds
Second Stage	285	114	785	115	1,299 beds
Total	1,955 beds	511 beds	2,259 beds	174 beds	4,899 beds

■ In Illinois, there are four unemployed, low-skilled workers for every available entry-level job. In Chicago, the ratio is 6 to 1. In Illinois, the ratio of those workers to jobs that pay a living wage is 222 to 1.[25]

■ The unemployment rate varies greatly among different segments of the population and in different neighborhoods. In 1996, when the unemployment rate for Chicago was 5.3%, the unemployment rate for African-American women ages 24 to 34 without a high school diploma was 27.2%.[26] In 1998, when the unemployment rate in Chicago was 3.9%, the rate in the South Side's Englewood neighborhood was 26.6%.[27]

CAUSE: Lack of Health and Supportive Services

■ Approximately 38% of homeless people suffer from a substance abuse problem.[28]

■ In 1994, there were only 892 publicly-funded beds in Chicago for people needing substance abuse treatment.[29]

■ In 1996, Congress eliminated SSI and SSDI benefits for people diagnosed with an addiction. As a result, 12,000 people in Illinois lost benefits, including Medicaid, which would pay for treatment.[30]

■ There are currently no federal programs that target funds for substance abuse programs for homeless people.[31]

■ Chicago's treatment programs serve approximately 20-25% of the estimated 140,000 to 175,000 people suffering from an addiction.[32]

■ The mortality rate for a homeless person is 3-4 times higher than that of the general public.[33]

■ A national study indicated that 13% of homeless individuals became homeless due to health problems.[34]

■ Homeless individuals are 10-15 times more likely to suffer from gangrene, gout, and ulcerations resulting in amputation; 2-3 times more likely to suffer from gastrointestinal disorders; and 2-4 times more prone to hypertension.[35]

■ 20-25% of homeless people suffer from serious mental illness.[36]

■ Many mentally ill people are inappropriately discharged from hospitals to the streets. Nevertheless, only 5-7% of homeless people with mental illnesses need to be institutionalized. As many as 95% could live in community settings if appropriate supportive services and housing were available.[37]

■ 8% of homeless people suffer from AIDS or are HIV-positive.[38]

Impact of Homelessness on Children

Families with children are the fastest-growing segment of the homeless population. Homelessness has a particularly devastating impact on children. One problem that often arises is a disruption in schooling as homeless children are forced to change schools repeatedly and miss many days in the school year.

■ It takes an average of 4-6 months for a child to recover academically from a change in schools.[39]

■ 66% of students who missed 20 or more school days during first, second, or third grade will drop out of school.[40]

■ 50% of all children in shelters show signs of anxiety and depression.[41]

■ Children in shelters show as high as a 70% rate of delay in immunizations, compared to 22% among low-income children who are housed.[42]

Shelter Types

Overnight Shelters: Located in churches or other larger buildings, these shelters are open only at night. Most overnight shelters simply serve the immediate needs of homeless people by providing a warm place to sleep and some food to eat.

Warming Centers: Similar to overnight shelters, but they are open only between October and April.

Transitional Shelters: These shelters are often geared toward a specific population, such as battered women. They attempt to break the cycle of homelessness by providing a structured, homelike environment and helping people transition to more permanent housing. The standard length of stay is 120 days.

Second-Stage Housing: These programs provide alternative, low-income housing in individual apartments, usually for up to two years. Social services and case management are provided to help people make a transition to more stable permanent housing. Housing fees are often charged, usually at about one-third of the person's income.

Chicago's Shelter System

■ In Chicago, 15,361 people, with duplications, were denied shelter because of a lack of bed space. 9,874

Continued on page 4

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people who were denied shelter were individuals in families (the largest percentage of people turned away).[43]

- In Chicago, homeless people often move from shelter to shelter before finding permanent housing. 50.3% of homeless households stay in one shelter, 30.9% in two shelters, 12% in three shelters, 4% in four shelters, 1.6% in five shelters, and 1.2% in six or more shelters.[44]
- Only 34% of people leaving two-year shelter programs in Chicago find permanent housing.[45]
- Between July 1998 and November 1998, emergency warming centers in Chicago added 150 new beds for families due to increasing numbers of homeless families.
- Every year in Chicago, between April and October, the shelter system loses 770 beds due to the closing of winter warming centers.

Welfare Reform and Family Homelessness

Welfare reform has added to the problem of family homelessness. Welfare recipients need to move from welfare to work within five years or they will lose their benefits. Many families are already becoming homeless when they are sanctioned due to stricter work requirements.

Despite widespread publicity about reduced welfare rolls, only 27% of welfare cases in 1998 were closed due to increased income, while 50% were closed due to failure to keep an appointment or provide paperwork.[51] Without any support, many families that are sanctioned, even when the sanction is caused by a state error, end up in a shelter.

Even families that do find work and move off welfare have difficulty maintaining housing. Nationally, families leaving welfare make an average of just $5,000 in the first year and $9,000 after five years.[53] These incomes put families under 30% of national median income and at high risk of homelessness. Families that leave welfare for very low-paying jobs may end up in worse financial situations and at a higher risk of homelessness than when they were on welfare—especially with the loss of medical assistance and increased costs associated with working, such as childcare and transportation.

Homelessness and Mental Illness

Nationwide, 20-25% of homeless people suffer from some form of serious mental illness.[56]

While the Chicago area overall is on par with the rest of the nation, certain areas report that as many as 65% of the homeless population suffer from mental illness.[57] Solutions for this population are not "one size fits all." Only 5-7% of homeless persons with mental illness need to be institutionalized, while most others could live in community settings with appropriate supportive services and housing.[58] Despite this fact, many homeless people that are mentally ill are not able to obtain the supportive services, such as case management, treatment, and supportive housing, that they need to find and maintain housing.

In the meantime, homeless people with severe mental illness tend to suffer more: they remain homeless for longer periods of time, have less contact with family and friends, encounter more barriers to employment, tend to be in poorer physical health, and have more contact with the legal system than other homeless people.[59] Without more treatment and rehabilitation services, many mentally ill homeless people will remain on the streets and not regain their independence and find stable housing.

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[45] See note 42.
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[50] National Association of State Alcohol and Drug Abuse Directors (NASADAD), *http://www.nasadad.org/treatmen1.htm*
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FORM 2000-4A

CHICAGO PUBLIC SCHOOLS

Homeless Education Dispute Resolution Process Form

- White Copy to Region Education Officer - Yellow Copy for School Records - Pink Copy to Parent/Guardian -
- Goldenrod Copy to Homeless Education Coordinator, Office of Schools and Regions, 125 S. Clark - 10th Floor, Mail Run #125. -

School Name: _____ Region: ____

School Address: _____ Phone: (773) _____ Fax: (773) _____

Student's Name: _____ I.D. #: _____ Grade: ____

Current Address: _____ Current Phone: ( ) _____

Parent/Guardian/Complaining Party's Name: _____

Relationship: ☐ Parent ☐ Guardian ☐ Other: _____

Current Address: _____ Current Phone: ( ) _____

Shelter ☐ Yes ☐ No If yes, name of shelter: _____

Daytime phone or other telephone number where you can be reached: ( ) _____

School that parent chooses child to be immediately enrolled in and/or transported to/from until dispute is resolved.

_____ Is this the school of origin? ☐ Yes ☐ No

If no, from which school was the student transferred? _____

Reason for the Complaint: ☐ Enrollment ☐ Transportation ☐ Fee Waiver ☐ Other: _____

Explain: _____

_____

_____ _____

Signature of Parent/Guardian/Complaining Party Date

STEP I: PRINCIPAL'S ACTION ON THE COMPLAINT

Taken within one (1) school day after receiving notice of the complaint.

Date Homeless Education Coordinator was notified of dispute: _____

Action taken by principal to resolve the dispute: _____

_____

Was the dispute resolved? ☐ Yes ☐ No

If the dispute was not resolved by the principal, please provide the reason(s) why the dispute was not resolved:

_____

_____

Date referred to Region Education Officer: _____

FORM 2000-4A

CHICAGO PUBLIC SCHOOLS

Homeless Education Dispute Resolution Process Form

- White Copy to Region Education Officer - Yellow Copy for School Records - Pink Copy to Parent/Guardian -
- Goldenrod Copy to Homeless Education Coordinator, Office of Schools and Regions, 125 S. Clark - 10th Floor, Mail Run #125. -

Student's Name: _____ I.D. #: _____ Grade: ____

School Name: _____ Region: ____

STEP II: REGION EDUCATION OFFICER'S ACTION ON THE COMPLAINT

Taken within four (4) school days after receiving notice of the complaint.

Did the Region Education Officer resolve this dispute? ☐ Yes ☐ No

Date Homeless Education Coordinator was notified of resolution: _____

Action taken by the Region Education Officer to resolve the dispute to the satisfaction of the parent/guardian:

_____

_____

_____

If the dispute was not resolved to the satisfaction of the parent/guardian, please provide the date that the Region Education Officer convened a meeting of the parties:

Date: _____

Please briefly describe the outcome of this meeting: _____

_____

_____

Date Homeless Education Coordinator was notified of resolution: _____

_____ Signature of Parent/Guardian	_____ Date
_____ Signature of Principal	_____ Date
_____ Signature of Region Education Officer or Designee	_____ Date

The following organizations are willing to provide low-cost or free legal assistance to residents of Chicago.*

Chicago Coalition for the Homeless Law Project (CCHLP)	1325 South Wabash #205	(800) 940-1119
(CCHLP is willing to provide to homeless children and parents free legal services regarding educational matters.)		
Legal Assistance Foundation	111 West Jackson, Suite 300	(312) 341-1070
Coordinated Advice and Referral Program for Legal Services (CARPLS)		(312) 738-9200

*By listing these organizations as sources of low-cost or free legal services, the Chicago Board of Education (Board) does not in so doing recommend or advocate the use of the services of the listed organizations, nor is the Board responsible for the quality of services provided by any of these listed organizations, should their services be used.

CHICAGO PUBLIC SCHOOLS

Request for Hardship Transportation for Homeless Students

School Name: _____

School Address: _____ Phone: (773) _____ Fax: (773) _____

Student's Name: _____ Grade: _____

Current Address: _____ Current Phone: ( ) _____

Name of Parent/Guardian: _____ Relationship: _____

Current Address: _____ Current Phone: ( ) _____

Please indicate below the reason you are requesting hardship transportation services:

- ☐ The parent/guardian is employed in and attending a bona fide job training or educational program which precludes him/her from transporting his/her child(ren) to/from school.
- ☐ The parent/guardian is mentally or physically disabled and such disability precludes him/her from transporting his/her child(ren) to/from school.
- ☐ The parent/guardian is responsible for transporting his/her children to schools at different locations.
- ☐ The parent/guardian resides in a shelter or similar facility which will not permit the parent to leave to transport his/her child(ren) to/from school.
- ☐ The parent/guardian is required by court order, by the Department of Children and Family Services (DCFS) or by a DCFS contract agency to engage in services which prohibit him/her from transporting his/her child(ren) to/from school.
- ☐ There is other good cause (explained below) to demonstrate that a hardship exists, which warrants the provision of hardship transportation.

_____

_____

Please indicate the approximate duration of the hardship: _____

Please note that the school is entitled to verify the hardship, and if verification is not possible, the parent/guardian must submit an affidavit attesting to the facts supporting the parent/guardian's request for hardship transportation. The parent/guardian should provide any available documents verifying hardship (for example: a doctor's statement, employer's letter, form showing registration in college/trade school/job training program, letter from a shelter, DCFS statement, court order, or any other such documentation). Any parent determined to have provided false information for the purpose of securing hardship transportation may be denied such transportation. If the request for hardship transportation is denied, the parent/guardian has the right to appeal the decision to the Region Education Officer. A Dispute Resolution Process Form may be obtained from the principal, homeless education liaison, or school clerk.

Parent/Guardian's Signature: _____

Date: _____

The school should keep the original completed form on file in the school office. In accordance with the Chicago Public Schools Policy and Procedures on Education of Homeless Children and Youth (Board Report # 96-1120-PO3), please make a copy of the completed form and immediately fax this form, along with any available verification documents, to CPS Homeless Education Program at (773) 553-2182. The Homeless Education Program Coordinator will respond to all requests for hardship transportation.

Office of Schools and Regions - Homeless Education Program - 125 South Clark (10th Floor) - Chicago, IL 60603 - (773) 553-2242 - Fax: (773) 553-2182
Mary Kelly Dowd, Coordinator

NOTICE OF DISPUTE RESOLUTION PROCESS
CHICAGO PUBLIC SCHOOLS HOMELESS EDUCATION PROGRAM

This is to notify you that if you have a dispute or disagreement with your school about your child's educational rights or services, you have the right to go through a process to try to resolve the dispute to your satisfaction. Any individual who believes that the educational rights of a homeless student have been violated or that a homeless student has been discriminated against can file a dispute resolution form at the school. For example, if you have a problem enrolling your child in school, getting transportation, tutoring or uniforms for your child, or other problems, you can file a dispute resolution form. You have the right to get legal assistance to help you in your dispute.

If you decide to file a dispute resolution form, the principal, homeless education liaison or school clerk should help you fill out the form if you need assistance. After you file the dispute resolution form, the principal should try to resolve the issue by the end of the next school day. If the principal cannot resolve the dispute, the principal will refer the dispute to the Regional Educational Officer (REO). If the REO or his/her designee cannot resolve the dispute to your satisfaction, the REO will arrange a meeting with you and the school principal to resolve the dispute within four school days.

If you have a dispute about your child's enrollment or transportation, your child will be immediately enrolled and get transportation until the dispute is resolved.

If you have a dispute, school personnel should inform you about the dispute resolution process and refer you to low cost or free legal assistance. The Following organizations are willing to provide low cost and free legal services:

-Law Project of the Chicago Coalition for the Homeless 1-800-940-1119
(The Law Project is willing to provide homeless children and parents with free legal services regarding educational matters.)

-Legal Assistance Foundation of Chicago (312) 341-1070

-Coordinated Advice and Referral Program for Legal Services (312) 738-9200

I, _____ received this notice on _____.
(Parent/Guardian signature) (Date)

School Name: Region:
Student's Name: ID# Grade:
Parent/Guardian Name:

I, _____ gave _____ a copy of the Notice on
(School official signature)
_____ (Date).

GOING TO SCHOOL:

Your Rights, Your Choices

Are you homeless, living in a shelter or in temporary housing?

Do you have elementary or preschool age children?

Or are you an older youth with no place to live?

THEN THIS INFORMATION IS FOR YOU...

YOUR RIGHTS IN CHICAGO

If you are the parent/guardian of school age children (pre-school through high-school) and are without permanent housing ("homeless"), your child has certain educational rights

- The right to go to school
- The right to stay in the same school all year
- The right to make certain choices about which school to attend
- The right to transportation assistance to school
- The right to equal treatment including access to school programs that other children attend
- The right to immediate enrollment

"Homeless" - what does it mean?

- Someone who is staying at a temporary living place such as a shelter or welfare hotel
- Someone who is spending the night in a place not designed for sleeping (like a vehicle or a condemned building)
- Someone who doesn't have a "fixed, regular, or adequate place to live," including someone who is living with another due to lack of housing

What school should you choose?

With every change of school, your child can fall up to 6 months behind academically and socially. For many children, staying in school when they feel comfortable can be important when other changes are happening. If you don't know where you are going to live next, keeping your child in the same school for the rest of the school year may be the best thing you can do. You have a choice:

- Keep your child in the school your child was going to before you lost housing
- Keep your child in the school your child last attended even though your temporary living arrangements have changed (maybe you have moved to another shelter or you are staying with relatives for a few weeks)
- The above choices are referred to as the "school of origin"

Or,

- Enroll your child in the school nearest the shelter or temporary place where you are staying

Things you should know:

- Your child has the right to receive tutoring
- If your child's school requires uniforms, the school should assist in obtaining a uniform for your child
- You are entitled to get a fee waiver for school fees such as field trip charges, graduation fees, locker fees, uniform fees, and other fees.
- If you choose to keep your child in the same school, your child may continue at that school for as long as you are homeless, or if you find permanent housing in another school area, or until the end of the school year.
- If you become homeless and choose to keep your child in the same school, the school is required to inform you and your child of the availability of transportation services, if these services are necessary for your child to continue attendance at the school.
- If your child requires transportation to attend the "school of original", transportation must be provided in one of the following ways:

1. Your child has a right to receive an application for a student fare card and CTA fare cards from the school to attend school or school activities

2. If your child is in 6th grade or lower (including preschool), the parent/guardian can also receive CTA fare cards to take the child to/from school and school activities

3. If your child is in 6th grade or lower and you cannot take your child on the CTA because:

   You have a disability that prevents you. you work, are in school, or are in job training during times your child would need to be taken to school, court-ordered or DCFS imposed services prevent you from taking your child, you must take children to schools at different locations, a shelter will not allow you to leave at the necessary time, or there is some other good reason you cannot, the school must promptly arrange for a school bus to transport your child. It may take up to 48 hours to arrange for the bus so it is important that you apply for it with the school as soon as you enroll your child. CTA fare cards will be made available to you and your child while you are waiting for bus service.

   The school must arrange for a school bus to transport your child. (It may take a few days to arrange for the bus so it is important that you apply for it with the school as soon as you enroll your child. CTA fare cards will be made available to you and your child while you are waiting for bus service.

4. If you normally can transport your child to school on the CTA but you become sick, must attend a job interview or have some other temporary hardship (less than two weeks), the school will provide CTA fare cards to another adult–named by you in a letter–who can then accompany the child.

5. You can be reimbursed if you (or the shelter) provides fare cards to get to school initially.

What about school records?

- If you are sending your child to a new school, the school must immediately enroll your child even if you cannot produce the records (including immunization, residency or transcripts) they need
- It is the duty of the new school to assist in getting the records from the last school your child attended
- The school must also refer your child to a physician or free clinic which can provide any necessary examination or immunizations

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What if the school says "NO"?

- If you believe the educational rights of your child have been violated or your child has been discriminated against, you can file a dispute resolution form.

Tips for dealing with the system...

If you are going to enroll a child in a new school, it would be helpful to bring along a letter from the shelter, you are staying at, on the shelter's letterhead, saying that your child is staying there. Or, if you are staying with relatives or in a motel, bring along a letter from your relative or social worker (DCFS or private agency) stating where you and your child are living. However, no school an deny your child admission because you do not have these letters.

YOUR RIGHT TO BE TREATED FAIRLY

Your child can participate in all the same school activities as other children:

- Before and after school programs
- Counseling
- Hot meals and lunch programs
- Special education, bilingual, vocational and gifted programs
- The public schools must evaluation your child if she/he has a disability
- School supplies
- Free tutoring
- It is illegal for any school to separate your child from other children because she/he is homeless or to treat your child differently.

YOUR RESPONSIBILITIES

- During the school year, your child should be going to school every day
- If you are transferring your child, you must enroll your child in the new school right away
- You must immediately ask the school for transportation assistance if you need it
- You should ask for special tutoring or counseling to help make up for lost time
- You should meet with your child's teacher regularly to make sure your child is getting every appropriate program
- Insist on what you think is the best education for your child

Please note: If you are an older youth, living away from your parents, who lacks permanent housing (maybe you are staying in a shelter or temporarily with friends or relatives) these same rights apply to you.

To learn more contact:

The Law Project of the Chicago Coalition for the Homeless
1325 S. Wabash
Chicago, IL 60605
(312) 435-4548
(800) 940-1119